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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, मंगलवार, अगस्त 6, 2024/ श्रावण 15, 1946

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NEW DELHI, TUESDAY, AUGUST 6, 2024/ SHRAVANA 15, 1946

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 6 अगस्त, 2024

का.आ. 3135(अ).—केंद्रीय सरकार ने, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 29 जनवरी, 2024 में प्रकाशित अधिसूचना संख्यांक का.आ. 354(अ), तारीख 29 जनवरी, 2024 (जिसे इसमें इसके पश्चात उक्त अधिसूचना कहा गया है) के द्वारा स्टूडेंट्स इस्लामिक मूवमेंट ऑफ इंडिया (सिमी) को विधिविरुद्ध संगम के रूप में घोषित किया था;

और, केंद्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना संख्यांक का.आ. 722(अ), तारीख 16 फरवरी, 2024 के द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसमें इसके पश्चात उक्त अधिकरण कहा गया है) का गठन किया था, जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री पुरुषेन्द्र कुमार कौरव थे;

और, केंद्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस न्यायनिर्णयन के प्रयोजन के लिए कि क्या स्टूडेंट्स इस्लामिक मूवमेंट ऑफ इंडिया (सिमी) को विधिविरुद्ध संगम के रूप में घोषित किए जाने का पर्याप्त कारण था या नहीं, तारीख 26 फरवरी, 2024 को उक्त अधिकरण को उक्त अधिसूचना निर्दिष्ट की थी;

और, उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में की गई घोषणा की पुष्टि करते हुए तारीख 24 जुलाई, 2024 को एक आदेश पारित किया था;

अतः, अब, केंद्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त अधिकरण के आदेश को प्रकाशित करती है, अर्थात्:-

---: अधिकरण का आदेश अंग्रेजी भाग में छपा है :---

न्यायमूर्ति पुरुषेन्द्र कुमार कौरव, विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण”

[फा. सं. 14017/49/2024/एन.आई.-एम.एफ.ओ.]

अभिजीत सिन्हा, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 6th August, 2024

S.O. 3135(E).— Whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the said Act), declared the Students Islamic Movement of India (SIMI) as an unlawful association *vide* notification of the Government of India in the Ministry of Home Affairs, number S.O. 354(E), dated the 29th January, 2024 (hereinafter referred to as the said notification) published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 29th January, 2024;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 5 read with sub-section (1) of section 4 of the said Act constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Justice Purushendra Kumar Kaurav, Judge, High Court of Delhi *vide* notification of the Government of India in the Ministry of Home Affairs, number S.O. 722(E), dated the 16th February, 2024 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 16th February, 2024;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act referred the said notification to the said Tribunal on 26th February, 2024 for the purpose of adjudicating whether or not there was sufficient cause for declaring the Students Islamic Movement of India (SIMI) as an unlawful association;

And, whereas, the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, passed an order on 24th July, 2024, confirming the declaration made in the said notification;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the order of the said Tribunal, namely: -

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL HIGH COURT OF DELHI, AT NEW DELHI

IN THE MATTER OF:

Notification bearing No. S.O. 354(E) dated 29th January, 2024, published in the Gazette of India: Extraordinary, declaring the Students Islamic Movement of India (SIMI) as an unlawful association in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967.

AND IN THE MATTER OF:

Reference under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967 read with Rule 5 (i) and (ii) of the Unlawful Activities (Prevention) Rules, 1968 made to the Tribunal by the Government of India through Ministry of Home Affairs *vide* the letter bearing no. 14017/14/2024-NI-MFO dated 26th February, 2024.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

Present:

Ms. Aishwarya Bhati, Additional Solicitor General of India with

Mr. Amit Prasad, Mr. Sabarish Subramanian, Ms. Poornima Singh, Ms. Manisha Chava, Mr. Uday Khanna, Mr. Padmesh Mishra, Mr. Rajat Nair, Mr. Annirudh Sharma, Mr. Pradeep Gehlot, and Mr. Abhijeet Singh, Advocates for Union of India.

Mr. Shiv Mangal Sharma, Addl. Advocate General with Ms. Nidhi Jaswal and Mr. Deepak Verma, Advocates for the State of Rajasthan.

Mr. Jay Prakash, Advocate for States of Uttar Pradesh and Maharashtra.

Mr. Vishnu Unnikrishnan & Mr. Naman Dwivedi, Advocates for State of Tamil Nadu.

Ms. Madhumita Bhattacharya, Advocate for State of West Bengal.

Ms. Madhusmita Bora and Mr. Dipankar Singh, Advocates for State of Jharkhand

Mr. Nishe Rajen Shonker and Mr. Alim Anvar, Advocate for State of Kerala.

Mr. K. A. Anas, Govt Pleader, High Court of Kerala, for State of Kerala.

Mr. Vikram Singh, Special Prosecutor for ATS/ADPO, State of Madhya Pradesh.

Mr. Brijesh Kumar Sharma, Under Secretary, Ministry of Home Affairs.

Mr. Manoj Kumar Singh, Assistant Director, Ministry of Home Affairs.

Mr. Sameer Shukla, Assistant Section Officer, Ministry of Home Affairs.

In attendance: Mr. Jitendra Pratap Singh, Registrar, Unlawful Activities (Prevention) Tribunal.

ORDER

I. This order hereinafter answers the reference made to this Tribunal for adjudicating “whether or not there is sufficient cause for declaring the Students Islamic Movement of India (for short ‘SIMI’) an unlawful association under the provisions of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as UAPA or the Act).”

II. CONSTITUTION OF THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

2.1 The Central Government declared SIMI as an “Unlawful Association” vide the notification bearing No. S.O. 354 (E) dated 29th January, 2024 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii).

2.2 The Central Government constituted this Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring SIMI as an “Unlawful Association”. A Notification bearing No. S.O. 722 (E) dated 16th February, 2024 was published in this regard in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii).

III. RELEVANT LEGAL PROVISIONS RELATING TO THE DECLARATION OF AN ASSOCIATION AS UNLAWFUL ASSOCIATION AND REGARDING THE CONSTITUTION OF THE TRIBUNAL

3.1 Section 2(p) of the Unlawful Activities (Prevention) Act, 1967 (also referred to as UAPA or the Act, hereinafter) defines ‘Unlawful Association’ as under:-

“2(p). ‘Unlawful Association’ means any association, -

(i) Which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or

(ii) Which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860); or which encourages or aids person to undertake any such activity or of which the members undertake any such activity:

3.2 Section 2(o) defines ‘Unlawful Activity’ as under:-

“2(o). ‘Unlawful Activity’, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representations or otherwise), -

(i) Which is intended, or supports any claim, to bring about, on any ground whatsoever, the cessation of a part of territory of India or secession of a part of the territory of India from the

Union, or which incites any individual or group of individuals to bring about such cessation or secession; or

(ii) Which disclaims, questions, disrupts or is intended to disrupt the sovereignty or territorial integrity of India, or

(iii) Which causes or is intended to cause disaffection against India.”

3.3 Chapter II of the Act deals with the topic of unlawful associations.

Section 3 under this Chapter provides for the declaration of an association as unlawful. It reads as follows:

“3. Declaration of an association as unlawful.—(1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary: Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.

(3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette:

Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette

(4) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily newspaper having circulation in the State in which the principal office, if any, of the association affected is situated, and shall also be served on such association in such manner as the Central Government may think fit and all or any of the following modes may be followed in effecting such service, namely:—

(a) by affixing a copy of the notification to some conspicuous part of the office, if any, of the association; or

(b) by serving a copy of the notification, where possible, on the principal office-bearers, if any, of the association; or

(c) by proclaiming by beat of drum or by means of loudspeakers, the contents of the notification in the area in which the activities of the association are ordinarily carried on; or

(d) in such other manner as may be prescribed.”

3.4 Section 4 of the Act provides for the reference of the notification declaring an association as unlawful to Tribunal. It reads as follows:

“4. Reference to Tribunal.—(1) Where any association has been declared unlawful by a notification issued under sub-section (1) of section 3, the Central Government shall, within thirty days from the date of the publication of the notification under the said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful.

(2) On receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the association should not be declared unlawful.

(3) After considering the cause, if any, shown by the association or the office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in section 9 and after calling for such further information as it may consider necessary from the Central Government or from any office-bearer or member of the association, it shall decide whether or not there is sufficient cause for declaring the association to be unlawful and make, as expeditiously as possible and in any case within a period of six months from the date of the issue of the notification under sub-section (1) of section 3, such order as it may deem fit either confirming the declaration made in the notification or cancelling the same.

(4) The order of the Tribunal made under sub-section (3) shall be published in the Official Gazette.”

3.5 The Constitution of the Tribunal is provided under Section 5 of the Act which reads as follows:

“ 5. Tribunal.—(1) The Central Government may, by notification in the Official Gazette, constitute, as and when necessary, a tribunal to be known as the “Unlawful Activities (Prevention) Tribunal” consisting of one person, to be appointed by the Central Government:

Provided that no person shall be so appointed unless he is a Judge of a High Court.

(2) If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, then, the Central Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The Central Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

(5) Subject to the provisions of section 9, the Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold its sittings.

(6) The Tribunal shall, for the purpose of making an inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses.

(7) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code.”

3.6 The proceedings of this Tribunal are guided by the Unlawful Activities (Prevention) Rules, 1968 (hereinafter also referred to as UAP Rules).

IV. GROUNDS FOR DECLARING SIMI AN UNLAWFUL ASSOCIATION AS GIVEN IN THE NOTIFICATION DATED 29.01.2024

Notification dated 29th January, 2024 refers to grounds (1) to (28) justifying why the Central Government believes that SIMI is indulging in the unlawful activities. The relevant extract of the notification is reproduced as under:

“And whereas, the Central Government is of the opinion that SIMI is indulging in the activities which are prejudicial to the integrity and security of the country on the basis, inter alia, of the following grounds, namely:-

1. Case Crime No. RC-31/2022/NIA/DLI has been registered by the National Investigation Agency (NIA) against Athar Parvej and Mohd. Jalaluddin of Phulawari Sharif, Patna relating to conspiracy of disrupting the visit of Hon'ble Prime Minister in July 2022. Both the accused were arrested and charge-sheeted under various provision including section 17, 18, 18A, 18B 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;

2. Case Crime No. RC-29/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against Saquib Nachan, ex-National General Secretary of SIMI. He was main conspirator and radicalising Muslims for violent Jihad or Hijarat. He was giving 'Baith' (Pledge and Allegiance to ISIS) to Muslim youths. Further, he motivated other persons to take 'Baith' of ISIS. He is alleged to have established 'Al Sham' like area in Padga village, wherein sharia law is followed;

3. Case Crime No. RC-04/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) against Shihabudeen @ Sirajudeen @ Khalid @ Rajesh, ex-SIMI member. In May 2019, he met Khaja Mohideen and others in a rented house at Annan Ninaivu Nagar, Puzhal and

joined the terrorist gang formed by Khaja Mohideen for establishing Khilafat or Islamic Rule in India, as part of furthering the objectives of the proscribed terrorist organisation ISIS/Daish in India. He has received funds from Khaja Mohideen for procurement of fire arms and ammunition. He was charge-sheeted on 9 th March, 2021;

4. Case Crime No. RC-28/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against T. Naseer, ex-SIMI member, later joined Lashkar-e-Taiba (LeT), a proscribed terrorist organisation. He used to select newly lodged Under Trial prisoners and got them transferred to his barrack. He further convert, radicalise and recruit them for furthering the activities of LeT in Central Prison, Bengaluru from 2017 onwards. In furtherance to their conspiracy and on the instructions of T. Naseer, co-accused arranged arms and ammunitions and explosives in collusion with other accused. He was involved in raising funds in the Prison for furthering their activities of proscribed terrorist organisation. The accused has been charge-sheeted in the case under the provisions of the UAPA, 1967. He has been charge-sheeted on 12th January, 2024;

5. Case Crime No. RC-16/2019/NIA/DLI has been registered by the National Investigation Agency (NIA) against Mohammed Ibrahim @Ibrahim Jamali, who is an ex-State Secretary of the proscribed organisation SIMI, was the main leader of the pro-jihadi jamaat formed in UAE with the intention of propagating violent extremist ideology of proscribed terrorist organisations including Al-Qaeda and ISIS. He has also subscribed and disseminated pro-ISIS/ Daish material advocating violent jihad and establishment of Islamic Khilafat, while delivering lectures on such topics during the meetings and classes organised by the unlawful jamaat in the United Arab Emirates. The accused has been charge-sheeted in the instant case on 1st January, 2020 before the NIA Special Court, Chennai;

6. Case Crime No. RC-02/2019/NIA/KOC has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre Sheik Hidayathullah Y @ Firoze Khan @ Firozy. Sheik Hidayathulla was a part of conspiracy in propagating the ideology of proscribed terrorist organisation ISIS/Daesh, and also recruiting vulnerable youths with a view to carry out terrorist attacks in South India especially in the cities of Kerala and Tamil Nadu. During the search conducted in his premise, various documents relating to SIMI were seized. He has been charge-sheeted in the instant case under section 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;

7. Case Crime No. RC-06/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) which pertains to the murder of Shri SSI Wilson on 8 th January, 2020. During investigation serious involvement of @S. Shahabudeen @Shihabudeen @Sirajudeen @Khalid was revealed which resulted in his arrest on 6 th January, 2021. It was also revealed that this accused has been continuing with covert anti national activities as the former SIMI member having association with hard core ISIS cadres. He was also involved in publication of provocative and highly objectionable material inciting others to commit terror acts;

8. Case Crime No. RC-02/2022/NIA/KOC has been registered by the National Investigation Agency (NIA) against ex-SIMI leader Mohammed Ali @Kunhappu Haji @Kunjappu Sahib @Kunjappukka. The accused is an ex-SIMI member and former state vice-president of Popular Front of India (PFI), Kerala. He used to arrange and supervise arms training conducted at Periyar Valley campus Aluva on various occasions. He propagated violent jihad to the cadres of Popular Front of India and also justified the terrorist activities in Popular Front of India meetings. He has been charge-sheeted under various provisions including section 16, 18A, 18B, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;

9. Case Crime No. RC-14/2022/NIA/DLI has been registered by the National Investigation Agency (NIA) against E.M. Abdul Rehman, ex-National Secretary, SIMI, E. Abubacker, ex-State President SIMI and founding chairman of Popular Front of India, P. Koya, ex-SIMI member and founding member of PFI, A. S. Ismail, ex-SIMI member and State President of PFI, Tamil Nadu. Accused were, conducted meetings for expansion of PFI (banned organisation) through radicalising and recruiting Muslims, providing weapons training classes across the country under the garb of 'Beginners Course' and other seemingly innocuous programs, collection of funds and facilitating funds to persons for commission of unlawful activities and was involved in conspiracy to commit violent unlawful and terrorist act. All the aforesaid accused were charge-sheeted on 18th March, 2023;

10. Case Crime No. RC-01/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre A. R. Qureshi. He along with his associates hatched the

conspiracy to join the ISIS for the cause of Islamic Jihad and targeted killing in India. He has been charge-sheeted in the instant case under the Unlawful Activities (Prevention) Act, 1967;

11. *Case Crime No. ECIR/RPSZO/05/2020 dated 27th February, 2020 has been registered by the Directorate of Enforcement under the Prevention of Money Laundry Act, 2002, Umair Siddiqui and Others. Umair Siddiqui a suspicious activist of SIMI, used to give shelter to various members of the banned organisation SIMI and Indian Mujahiddin terrorist organisation from the year 1999. Umair Siddiqui and his group organised a camp of SIMI in forest of Barnawapara and the purpose of the meeting was to strengthen the organisation SIMI and collect funds for aiding the terrorist of Indian Mujahiddin and SIMI;*

12. *Case Crime No. ECIR/STF/17/2022 has been registered by the Directorate of Enforcement against the office bearers, Ex-SIMI members and cadres of PFI (now banned), along with others, for conspiring and raising or collecting funds within India and abroad through banking channels, Hawala, donations, etc. for committing or getting committed, terrorist acts across India. These cadres and members are also involved in activities supporting and furthering the proscribed terrorist organisations like SIMI and ISIS;*

13. *Case Crime No. 203/2022 has been registered at Padgha Police Station, Thane (R) under Sections 153(a), 153(1)(a)(b) and 153(2) of the Indian Penal Code for writing of provocative text on Jamma (Moti) Mosque Padgha, Borivali, Thane to create a communal rift between two religions or communities and lead a violence and increase enmity between the two groups and disrupt social harmony. The case is pending trial in court;*

14. *Case Crime No. 15/2023 has been registered at Padgha Police Station, Thane (R) under Sections 37(1)(3), 135 of the Maharashtra Police Act 1951, read with section 194(d), 129, 177 of the Motor Vehicle Act 1988, for raising slogans and hold rally for getting the bail to Atik Nachan in Ahemdabad NIA Court and violation of prohibition order of Collector and District Magistrate, Thane. The case is pending for trial in court;*

15. *Case Crime No. 1/2023 has been registered at STF Police Station, Khandwa under Sections 121, 121A, 122, 123, 120B of Indian Penal Code against Abdul Raqib, being a member of various pro-ISIS, pro-Caliphate telegram channels. He regularly watched videos related to ISIS and also downloaded the same;*

16. *Case Crime No. 493/2019 has been registered at Kotwali Police Station, Gangapur, Sawai Madhopur under Sections 147, 341, 342, 323, 15A, 295A, 296, 298 of Indian Penal Code against Mohd. Salam @Salla for attack and pelting stones from the top of Jama Masjid on the rally of Vishwa Hindu Parishad (VHP) on 25th August, 2019 on the occasion of its Foundation Day;*

17. *Case Crime No. 488/2019 has been registered at Kotwarli Police Station, Gangapur, Sawai Madhopur under Sections 147, 148, 149, 332, 353, 427 of Indian Penal Code against Alim for attack and pelting stones from the top of Jama Masjid on the rally of Vishwa Hindu Parishad (VHP) on 25th August, 2019 on the occasion of its Foundation Day;* 18. *Two SIMI activists have been sentenced to two years imprisonment and a fine of rupees one thousand each under Section 295A of Indian Penal Code by the court of Addl. District Magistrate, Jabalpur in Case Crime No. 706/2006 registered at Gohalpur Police Station, Jabalpur under section 153A, 34, 153B, 195A, 124A of the Indian Penal Code;*

19. *Three SIMI activists have been sentenced three years simple imprisonment and fine of rupees ten thousand each under section 419 of the Indian Penal Code, two years simple imprisonment and fine of rupees ten thousand each under section 10A of the Unlawful Activities (Prevention) Act, 1967, seven years simple imprisonment and fine of rupees ten thousand each under section 13(1)(a), 13(1)(b) of the Unlawful Activities (Prevention) Act, 1967 and five years simple imprisonment and fine of rupees ten thousand each under section 13(2) of the UAPA, 1967 by the Court of Additional Chief Judge, Bhopal in Case Crime No. 95/2008 registered at Kotwali Police Station, Bhopal under section 419 of Indian Penal Code and section 10, 13 of the Unlawful Activities (Prevention) Act, 1967;*

20. *One SIMI activist has been sentenced three years imprisonment by the court of JMFC, Indore in Case Crime No. 192/2008 registered at Khazrana Police Station, Indore under section 153A, 153B of Indian Penal Code and section 10, 11, 13 of the Unlawful Activities (Prevention) Act, 1967;*

21. *Two SIMI activists have been sentenced three years rigorous imprisonment under section 419 of the Indian Penal Code by the court of District, Bhopal in Case Crime No. 205/2008 registered at Shahjahanabad Police Station, Bhopal under section 419 of Indian Penal Code;*

22. One SIMI activist has been sentenced ten years of imprisonment and fine of rupees ten thousand under section 394 of Indian Penal Code, five years imprisonment and fine of rupees fifty thousand under section 450 of the Indian Penal Code by the court of District, Indore in Case Crime No. 802/2008 registered at Khazrana Police Station, Indore under section 395, 397, 506 of the Indian Penal Code and 25 and 27 of Arms Act, 1959.

23. Three SIMI activist have been sentenced three years rigorous imprisonment and fine and two SIMI activist have been sentenced six months imprisonment and fine of rupees one thousand under section 143 of the Indian Penal Code, three years rigorous imprisonment and fine of rupees one thousand under section 153A of Indian Penal Code, three years rigorous imprisonment under section 153B of Indian Penal Code, two years rigorous imprisonment and fine of rupees one thousand under section 10 to the Unlawful Activities Amendment Act, 2004, three years rigorous imprisonment and fine of rupees one thousand condition to extra three months imprisonment in case of non-payment of fine under section 13 of the UAPA, 1967 by the court of Judicial Magistrate of First Class, Indore in Case Crime No. 05/2009 registered at STF/ATS Police Station, Bhopal under section 147, 149, 153A, 153B of Indian Penal Code and section 10, 13 of the Unlawful Activities (Prevention) Act, 1967;

24. Two SIMI activists have been sentenced life imprisonment and fine of one thousand each condition to extra six months imprisonment in case of non-payment of fine under section 395, 397 of Indian Penal Code by the court of Special Judge, NIA, Bhopal in Case Crime No. 456/2009 registered at BNP Police Station, Devas under section 395, 397 of Indian Penal Code and section 10, 13, 16, 17, 20, 21 of the UAPA, 1967 and section 25, 27 of the Arms Act, 1959;

25. One SIMI activist has been sentenced two years imprisonment and another one SIMI activist has been sentenced ten years rigorous imprisonment by Additional Sessions Judge, Indore in Case Crime No. 13/2010 registered at Bhanwar Kuwan, Indore under section 395, 397, 450, 398 of Indian Penal Code and section 25, 27 of Arms Act, 1959;

26. One SIMI activist has been sentenced life imprisonment and fine under section 302, 307 of Indian Penal Code and section 16(1)(a) of the UAPA, 1967 by the court of Special Judge, NIA, Bhopal in Case Crime No. 35/2011 registered at GRP Ratlam Police Station, Indore (Rail) under section 307, 302, 34 of Indian Penal Code and section 10, 13, 16, 18 of the UAPA, 1967 and 25, 27 of Arms Act, 1959;

27. Four SIMI activists have been sentenced by the Special Judge, NIA, Bhopal in Case Crime No. 22/2013 registered at STF/ATS Police Station, Bhopal as details given below: -

(i) One SIMI activist has been sentenced ten years rigorous imprisonment and fine of rupees ten thousand under section 307 of Indian Penal Code, three years rigorous imprisonment and fine of rupees two thousand under section 25(1-B) A, 27 of Arms Act, 1959;

(ii) One SIMI activist has been sentenced ten years rigorous imprisonment and fine of rupees ten thousand under section 307 of Indian Penal Code, three years rigorous imprisonment and fine of rupees two thousand under section 25(1-B) A, 27 of Arms Act, 1959, seven-year rigorous imprisonment and fine of rupees five thousand under section 468 of the Indian Penal Code;

(iii) One SIMI activist has been sentenced life imprisonment and fine of rupees ten thousand under section 120B of Indian Penal Code read with section 4(B) of Explosive Substances Act 1908, life imprisonment and fine of rupees ten thousand under section 120B of Indian Penal Code read with section 5(B) of Explosive Substances Act 1908, seven years rigorous imprisonment and fine of rupees five thousand under section 468 of Indian Penal Code, life imprisonment and fine of rupees ten thousand under section 16 of the Unlawful Activities (Prevention) Act, 1967; and

(iv) One SIMI activist has been sentenced life imprisonment and fine of rupees ten thousand, separately under both section 4 and 5(B) of Explosive Substances Act 1908, life imprisonment and fine of rupees ten thousand under section 16 of the Unlawful Activities (Prevention) Act, 1967;

28. Five SIMI activists have been sentenced rigorous life imprisonment and fine of rupees two thousand under section 16B, 18 of the UAPA, 1967 along with Section 25 of Arms Act 1959 by the Special Judge, NIA, Bhopal in Case Crime No. 01/2014 registered at STF/ATS Police Station, Bhopal under section 307, 34, 120B, 107, 115 of Indian Penal Code and section 10, 13(1), 13(2), 15, 16, 18, 19, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 and section 3, 4, 5, 6 of the Explosive Substances Act 1908 and section 25 of Arms Act, 1959;

And whereas, the State Governments of Andhra Pradesh, Gujarat, Jharkhand, Kerala, Maharashtra, Madhya Pradesh, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh have recommended for declaration of SIMI as an 'unlawful association' under the provisions of the Act;

And whereas, the Central Government is further of the opinion that if the unlawful activities of the SIMI are not curbed and controlled immediately, it will take the opportunity to –

- (i) continue its subversive activities and re-organize its activists who are still absconding;*
- (ii) disrupt the secular fabric of the country by polluting the minds of the people by creating communal disharmony;*
- (iii) propagate anti-national sentiments;*
- (iv) escalate secessionism by supporting militancy; and*
- (v) undertake activities which are prejudicial to the integrity and security of the country;*

And whereas, the Central Government for the above-mentioned reasons is firmly of the opinion that having regard to the activities of the SIMI, it is necessary to declare the Students Islamic Movement of India (SIMI) as an 'unlawful association' with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Students Islamic Movement of India (SIMI) as an unlawful association;

The Central Government, having regard to the above circumstances, is of firm opinion that it is necessary to declare the Students Islamic Movement of India (SIMI) as an 'unlawful association' with immediate effect, and accordingly, in exercise of the powers conferred by the proviso to sub-section (3) of section 3 of the said Act, the Central Government hereby directs that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect for a period of five years from the date of its publication in the Official Gazette."

V. BACKGROUND NOTE

5.1 The Reference letter bearing no. 14017/14/2024-NI-MFO dated 26th February, 2024 sent to this Tribunal by the Government of India is supported with the copy of the notifications dated 29.01.2024 and 16.02.2024 and a background note mentioning the origin and subsequent actions of SIMI.

5.2 The background note gives a brief introduction of the origin, aims and objectives of the SIMI. The relevant extract of the said note is reproduced as follows;

A. BACKGROUND

The Students Islamic Movement of India (SIMI) came into existence on 25.4.1977 in the Aligarh Muslim University, Aligarh, Uttar Pradesh, as a front organisation of youth and students, having faith in Jamait-e-Islami-Hind (JEIH); The organisation declared itself independent in 1993 through a resolution.

B. OBJECTIVES

2. The stated objectives of the organisation (SIMI) are

- i) Governing of human life on the basis of Quran;*
- ii) Propagation of Islam;*
- iii) "Jehaad" (religious war) for the cause of Islam;*
- iv) Destruction of Nationalism and establishment of Islamic Rule or Caliphate*

3. The SIMI aims to utilize students/youth in the propagation of Islam and obtain support for Jehaad. The organisation also emphasizes on the formation of "Shariat" based Islamic rule through "Islami Inqalab". The organisation does not believe in the nation state, as well as in the Constitution, or the secular order; it regards idol worship as a sin and its holy duty is to end it.

4. The SIMI is known to have launched a country-wide campaign since November 1996 to mobilize support for the so-called Caliphate (Rule of Islam) for the Muslim community. SIMI is against Indian nationalism, and has the aim to replace it with the International Islamic Order.

5. The Ministry of Home Affairs had been receiving reports of the activities and statements of the Students Islamic Movement of India (SIMI) which were prejudicial to the maintenance of communal harmony; hurt the religious sentiments of other communities; incite religious fervour and violence; and question the territorial integrity of the country. On the basis of

inputs received from the Intelligence agencies and the Governments of various States/UTs about SIMI activities, it was observed as under: -

(a) Support to militancy in Kashmir and Punjab

SIMI advocated self-determination in Kashmir and was in close touch with Kashmiri militant outfits including pro-Pak Hizb-ul-Mujahideen (HUM) and the Jammu & Kashmir Liberation Front (JKLF). The leadership of SIMI also extended full support to extremists and terrorists in Punjab and Jammu & Kashmir.

(b) Militant & disruptive activities SIMI was involved in various militant/terrorist activities in the country especially in Maharashtra, Uttar Pradesh, Kerala and Tamil Nadu.

6. Accordingly, the Central Government decided to ban SIMI by declaring it as an Unlawful Association under the provisions of the UAPA and the SIMI was banned for the first time in September, 2001. In view of the continuous activities of SIMI, the organisation was further banned from time to time.

The status of details bans on the SIMI since 2001 is given below: -

Sl. No	Date of issue of ban Notification	Notification annexed at
i)	27.09.2001	Annexure - I
ii)	26.09.2003	Annexure - II
iii)	08.02.2006	Annexure - III
iv)	07.02.2008	Annexure - IV
v)	05.02.2010	Annexure - V
vi)	03.02.2012	Annexure - VI
vii)	01.02.2014	Annexure - VII
viii)	31.01.2019	Annexure - VIII

- 5.3 The background note further mentions the activities of SIMI after declaration as unlawful association and ends with the conclusion that since the SIMI activists continued its activities for which it was banned earlier, the Government imposed further ban on SIMI in January, 2024 vide Notification, published in the Gazette of India, Extraordinary No. S.O. 354(E) dated 29 January, 2024. It is mentioned in the note that the financial position of SIMI is sound. It raises funds through donation, from rich Muslim and sale of animal hides. It is stated that in a national meeting held in Delhi in year 2004, SIMI leadership emphasized on the need to raise funds and fixed quarterly targets for each division. In Maharashtra funds were raised from rich Muslims under the banner of 'Al Islam' (Malegaon) and 'Ishat-e-Deen' (Mumbai). The note mentions the Cases where the SIMI members had contacts in places like in Pakistan, Saudi Arabia and Bangladesh. Being a group of students and youth, SIMI is easily influenced by hard-core Muslim terrorist organizations operating from within the country and abroad. Fundamentalists/terrorist outfits like the Pakistan based Hizb-ul-Mujahideen and Lashkar-e-Taiba have successfully penetrated into the SIMI Cadres to achieve their goals.
- 5.4 The background note mentions the cases where the SIMI was found active in several States being Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and National Capital Territory of Delhi. It is further stated that the SIMI activities has also been noticed in the States of Assam, Bihar, Jharkhand and Uttarakhand.
- 5.5 UNLAWFUL ACTIVITIES OF SIMI BEFORE IMPOSITION OF THE BAN IN 2001:
- 5.5.1 As per the Background Note mentioned above, the activities and statements of the members/office bearers of the Students Islamic Movement of India (SIMI) are prejudicial to the maintenance of communal harmony; hurt the religious sentiments of other communities; incite religious fervor and violence and question the territorial integrity of the country. On the basis of the inputs received from the Intelligence Agencies and the Governments of various States/UTs about SIMI activities, it has been observed that SIMI had advocated self-determination in Kashmir and was in close touch with Kashmir militant outfits including pro-Pak Hizb-ul-

Mujahideen (HUM) and Jammu & Kashmir Liberation Front. The leadership of SIMI also extended full support to extremists and terrorists in Punjab and Jammu & Kashmir. SIMI was involved in various militant/terrorist activities in the country, especially in Maharashtra, Uttar Pradesh, Madhya Pradesh, Kerala, Tamil Nadu and NCT Delhi. Accordingly, the Central Government decided to ban SIMI from time to time by declaring it an Unlawful Association under the provisions of the UAPA. The status of the said bans is as follows:

5.6 FIRST BAN

In the year 2001, keeping in view the gravity of the situation and deep conspiracy planned by the organization, the Union Government decided to ban SIMI under the provisions of the UAPA. Accordingly, Notification No. S.O. 960 (E) dated 27th September, 2001 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban are indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted, consisting of Justice S.K. Agarwal, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal upheld the ban and stated in its order that 'it is clear that members, office-bearers and activists of SIMI Association have been indulging in unlawful activities. There is sufficient material, justification and grounds for the Central Government for taking action under sub-section (1) of section 3 of the Act for declaring SIMI as an unlawful association'. The order of Tribunal was published in the Gazette of India vide Notification No. S.O. 397 (E) dated 8th April, 2002.

5.7 SECOND BAN

The ban was re-imposed on SIMI in 2003, keeping in view that the organization continued to indulge in the activities for which the ban was imposed earlier. Accordingly, Notification No. S.O.1113 (E) dated 26th September, 2003 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban were indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted, consisting of Justice R.C. Chopra, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal confirmed the ban notification dated 26th September, 2003 with a view that the Tribunal is satisfied that the activities of SIMI, its members, activists, sympathizers are disruptive in nature. The SIMI members/activists are in close contact with militant outfits and support the demand for secession of Kashmir. They support extremism and militancy in Jammu & Kashmir and as such, question the territorial integrity and sovereignty of India. They work for Islamization of the world and advocate Islamic rule in India as well as other countries. They use derogatory language against Hindu Gods and deities and exhort Muslims for Jihad. The SIMI activists have been publishing objectionable posters with a view to create hatred between Hindu and Muslims. The order of the Tribunal was published in the Gazette of India notification No S.O.499 (E) dated 16th April, 2004.

5.8 THIRD BAN

The ban was re-imposed on SIMI in February, 2006 keeping in view that the organization continued to indulge in the activities for which the ban was imposed earlier. Accordingly, Notification No. S.O.191 (E) dated 8th February, 2006 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban were indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted consisting of Justice B.N. Chaturvedi, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal confirmed the ban notification dated 8th February, 2006 with a view that the respondent-organization is indulging in activities which are detrimental and prejudicial to national-interest and have the potential of posing a threat to the integrity and sovereignty of the nation and also to communal harmony. The order of Tribunal was published in the Gazette of India notification No. S.O. 1302 (E) dated 11th August, 2006.

5.9 FOURTH BAN

Since the SIMI activists continued its activities for which it was banned earlier in September, 2001, in September, 2003 and again in February, 2006, the Government imposed a fresh ban in February, 2008 vide Notification No. S.O. 276 (E) dated 7th February, 2008 published in the Gazette of India. The Unlawful Activities (Prevention) Tribunal consisting of Ms. Justice Gita Mittal of Delhi High Court did not confirm the ban. Against the order of the Tribunal dated 5th August, 2008, the Government of India filed SLP (C) 19845 of 2008 before the Hon'ble Supreme Court seeking stay on the order of the Tribunal. The Supreme Court granted stay until further orders and referred the matter to be heard by a larger bench. The ban on SIMI continued.

5.10 FIFTH BAN

The ban was re-imposed on SIMI keeping in view that the organization continued to indulge in the activities for which the ban was imposed earlier. Accordingly, Notification No. S.O. 260 (E) dated 5th February, 2010 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban were indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted

consisting of Justice Sanjiv Khanna, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal concluded that there is sufficient cause for declaring Students Islamic Movement of India (SIMI) as an unlawful association and an order was passed under Section 4(3) confirming the declaration made in the Notification of the Ministry of Home Affairs S.O. No. 260(E) dated 5th February, 2010 read with the Notification S.O. No. 544(E) dated 5th March, 2010, issued under Section 3(1) of the UAPA. The order of Tribunal was published in the Gazette of India notification No.S.O.1990 (E) dated 12th August, 2010.

5.11 SIXTH BAN

The ban was imposed on SIMI keeping in view that the organization continued to indulge in the activities for which the ban was imposed earlier. Accordingly, Notification No. S.O. 224 (E) dated 3rd February, 2012 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban were indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted consisting of Justice V.K. Shali, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal confirmed the Notification dated 3rd February, 2012 and held in its order that in view of the evidence brought on record and the aforesaid discussion, the only conclusion possible is that SIMI and its cadres have continued to indulge in activities which are detrimental and prejudicial to the national interest and have the potential of posing a threat to the national integrity and sovereignty of the nation. SIMI cadres have continued to indulge in such anti-national activities by forming other front organization, like Indian Mujahidin, Wahdat-e-Islami, etc. It has continued to recruit and enroll fresh members in their cadres. The evidence brought on record and the cases registered after the report of the last Tribunal overwhelmingly prove that the organization is continuing to work surreptitiously, posing a threat and challenge to the sovereignty of the Indian nation. This is also established through the testimony of witnesses examined in Kerala, where it has been brought on record that the sympathizers/activities of this banned organization have supported the so called Jihad of Muslims of Kashmir against the alleged forced occupation of Kashmir where two operatives from Kerala got killed, even when they fully know that majority of Muslims of Kashmir are peace loving and have democratically elected their own representatives to rule them. Further, these persons have scant respect for innocent women lives and know the fact that the State of Jammu and Kashmir is an integral part of India.

For the foregoing reasons, the Tribunal, in pursuance to the statutory reference made to the Tribunal under Section 4 of the Act, held that the Central Government had been able to establish that there was 'sufficient cause' for declaring SIMI as an unlawful association. The order of Tribunal was published in the Gazette of India notification No. S.O. 1745 (E) dated 6th August, 2012.

5.12 SEVENTH BAN

The ban was again imposed on SIMI in February, 2014, keeping in view that the organization continued to indulge in the activities for which the ban was imposed earlier. Accordingly, Notification No. S.O. 299 (E) dated 1st February, 2014 declaring SIMI as an unlawful association was issued. The detailed grounds for imposition of ban were indicated therein. The Unlawful Activities (Prevention) Tribunal was constituted consisting of Justice Suresh Kait, Judge of Delhi High Court to adjudicate the ban notification. The Tribunal confirmed the Notification dated 1st February, 2014 and held in his order that the evidence brought on record clearly and unambiguously establishes that despite being banned since 27th September, 2001, except for a brief period in between, the SIMI activists are associating, meeting, conspiring, acquiring arms and ammunitions, and indulging in activities which are disruptive in character and capable of threatening the sovereignty and territorial integrity of India. They are in regular touch with their associates and masters based in other countries. Their actions are capable of disrupting peace and communal harmony in the country. Their stated objectives are contrary to the laws of our country. Especially their object of establishing Islamic rule in India can, under no circumstances, be permitted to subsist. The Tribunal further stated that it is evident that SIMI association and its activists are continuing to indulge in unlawful activities within the meaning of Section 2(1)(o) of the Act. The Central Government has sufficient credible material and grounds for taking action under sub-section (1) of Section 3 of the Act for declaring SIMI as an Unlawful Association. The Tribunal, therefore, held that there exists "sufficient cause" to confirm the Notification issued under sub-section (1) of Section 3 of the Act, declaring SIMI to be an 'Unlawful Association'. The order of Tribunal was published in the Gazette of India notification No. S.O. 2050 (E) dated 12th August, 2014.

5.13 EIGHTH BAN

SIMI was declared an unlawful association by the Central Government for a period of five years by way of the notification No. S.O. 564 (E) dated 31st January, 2019 published in the Gazette of India, Extraordinary. The detailed grounds for imposition of the ban were indicated in the said notification. The Unlawful Activities (Prevention) Tribunal was constituted by the Central Government under Section 5(1) consisting of Ms. Justice Mukta Gupta, Judge of the High Court of Delhi vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 931 (E) dated 21st February, 2019 to adjudicate the ban notification. The Tribunal upheld the ban observing that there was sufficient material to hold that condition of

Section 2(p)(i) and (ii) of UAPA were satisfied. It was held that there was sufficient cause for declaring Students Islamic Movement of India (SIMI) as an “unlawful association”. An order was passed under Section 4 (3) of the UAPA confirming the declaration made in the notification of the Ministry of Home Affairs S.O. 564(E) dated 31st January, 2019 issued under Section 3(1) of the UAPA.

5.14 NINTH / PRESENT BAN

Defying the condition of ban imposed by Notification dated 31st January, 2019, ex-SIMI activists continued their unlawful activities in various parts of the country. The activities were noticed in the states of Bihar, Maharashtra, Karnataka, Kerala, Tamil Nadu and Madhya Pradesh. It has been found that the ex-SIMI members were involved in conspiracy to disrupt the visit of the Prime Minister of India to Patna, Bihar in the month of July, 2022. Their involvement has also been found in organizing and recruiting youth with an objective of establishing Khilafat or Islamic rule in India. The attempts to radicalize and recruit the youth and collection of funds in Central Prison of Bengaluru have also been revealed. Several prominent leaders of the organization such as Mohd. Ibrahim @ Ibramin Jamali and Sheik Hidayatullah Y @ Firoze Khan @ Firoze have been found to be involved in propagation of violent ideology of Al-Qaida and ISIS and in recruitment of youth. The involvement of its activists has also been found in the murder of Police Officials. It has been found that the sympathizers and formal members of this organization have been contacting proscribed terrorist organizations with the intention of propagating violent extremist ideology. After the last ban of 31st January, 2019, several new cases have been registered against members of SIMI as well as convictions have been pronounced in many cases in various parts of the country. The cases have also been registered by the NIA. The list of such cases is enclosed as Annexure – I. In addition to this, after the last ban imposed on 31st January, 2019, there have been pronounced judgments by competent Courts of law in several cases resulting in conviction of SIMI activists/members tried in these cases as accused for several offences including Section 153A and Section 153B of the IPC and Sections 10, 11, 13 and 16 of the UAPA. A list of such cases is annexed as Annexure – II.

VI. PROCEEDINGS OF THE TRIBUNAL

- 6.1 As per Section 9 of the UAPA, the procedure to be followed by the Tribunal in holding any inquiry under sub-section (3) of Section 4 shall, so far as may be, be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims and the decision of the Tribunal shall be final.
- 6.2 Furthermore, the UAP Rules, 1968 also deal with the procedure to be followed by the Tribunal. Rule 3, inter alia, provides that in holding an inquiry under sub-section (3) of Section 4, the Tribunal shall, subject to the provisions of sub-rule (2) follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872. Sub-rule (2) states that notwithstanding anything contained in the Indian Evidence Act, 1872, where any books of account or other documents have been produced before the Tribunal by the central government and such books of account or other documents are claimed by that government to be of a confidential nature then, the Tribunal shall not make such books of account or other documents a part of the records of the proceedings before it, or allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it.
- 6.3 Rule 6 provides the modes which may be followed by the Tribunal in effecting the service of notice referred to in Section 4 (2) of the UAPA. Rule 14 authorizes the Tribunal to sit in private and to admit at such sitting such persons whose presence is considered by the Tribunal to be necessary for the proper determination of the matter before it where any such request is made by the Central Government. Rule 15 provides that the provisions of the Civil Procedure Code, 1908 shall, in so far as they relate to any other matter with regard to the service of summons, shall, as far as may be, apply to the service of any summons issued by a Tribunal under the Act.
- 6.4 REFERENCE RECEIVED: In furtherance of the constitution of this Tribunal, the reference letter dated 26.02.2024 bearing no. 14017/14/2024-NI-MFO issued by the Ministry of Home Affairs (MHA), Government of India was received by the Tribunal.
- 6.5 ISSUANCE OF NOTICE: Vide the order dated 29.02.2024, the Tribunal, after hearing the learned Additional Solicitor General for the Union of India (ASG) and after perusing the material placed on record by the Central Government, as detailed in the notification dated 29.01.2024, issued the notice under Section 4(2) of the Act to SIMI to show cause, within 30 days from the date of service of the notice, as to why it be not declared an ‘unlawful association’. The notices were directed to be served on SIMI in the following manner:
 - 1) By affixing a copy of the notification to some conspicuous part of the office(s), if any, of the Association;

- 2) By serving a copy of the notification, wherever possible, on the principal office-bearers, if any, of the Association;
- 3) By registered post/speed post/courier;
- 4) By proclaiming by beat of drums or by means of loudspeakers, the contents of the notification, in the area in which the activities of the Association are ordinarily carried on;
- 5) By making an announcement over the radio from the local or nearest broadcasting station of the All India Radio/Doordarshan;
- 6) By pasting the notification on the Notice Board of the office of the Deputy Commissioners at the Headquarters of each of the Districts in the States, where the activities of the Association are undertaken; and
- 7) By publication in two National Newspapers in English and in two vernacular newspapers of the States in India.

- 6.6 In furtherance to the notice issued by the Tribunal, the following reports, arranged State wise, were received:
- 6.6.1 Jammu and Kashmir: Letter dated 14.04.2024 of the Superintendent of Police, Headquarter Srinagar has been filed in compliance of the directions of this Tribunal. It is supported by the affidavit of the Superintendent of Police to the effect that notices issued by the Tribunal have been served in the manner as directed by the Tribunal. The affidavit is supported with the relevant documents, including the newspaper clippings, video and audio news clips, etc.
- 6.6.2 Kerala: Affidavit dated 23.04.2024 has been filed on behalf of the state by Mr. Putta Vimaladitya, IPS, Deputy Inspector General, Anti-Terrorist Squad, Kerala Police Department, Government of Kerala who has stated that the notices issued by the Tribunal have been served in the manner as instructed. He has categorically stated that the notices have been published in the newspapers, the Times of India and the Hindu and in the vernacular newspapers Mathubhoomi and Desabhimani. He further stated that the announcements were also broadcasted over the All India Radio. The affidavit is accompanied by the supported documents, including the newspaper clippings.
- 6.6.3 Uttar Pradesh: An affidavit dated 30.03.2024 of Mr. Kuldeep Tiwari, Deputy Superintendent of Police and Nodal Officer has been filed. He has stated that the notice issued by this Tribunal has been duly published in the newspapers, Amar Ujala, Times of India, Jagran, and Hindustan. It is further stated that the notice has also been affixed on the notice boards of the offices of the District Magistrates at the headquarters of each of the districts in the state where the activities of the association were found. The affidavit is accompanied with the pictures of affixation and Newspaper clippings.
- 6.6.4 Tamil Nadu: Affidavit dated 03.04.2024 of Mr. Ara. Arularasu, IPS, Superintendent of Police, Special Division, Special Branch Criminal Investigation Department, Chennai has been filed. The affidavit states that the notices issued by the Tribunal have been served by affixation at the last known premises of the SIMI. The notice was also sent to the known office bearers of SIMI by Speed Post. They have also been published in the newspaper, the Hindu and the Times of India and the vernacular newspapers, Dina Thanthi and Dinakaran. It is further stated that the notice was also telecasted on the Doordarshan. The affidavit is accompanied by the relevant documents, including the compliance affidavits of the respective police officers regarding serving of show cause notice in the districts, postal receipts, newspaper clippings, and compliance letters from the Doordarshan and All India Radio and from the District Collectorates.
- 6.6.5 Gujarat: Affidavit dated 08.04.2024 of Mr. S. L. Chaudhary, Deputy Superintendent of Police, Anti-Terrorist Squad, Gujarat State has been filed. He has stated that the steps were taken through the respective Police in charges of the districts, for serving the notice on the SIMI members and at the known offices of the organisation. The affidavit is accompanied by the compliance reports of the respective police officers of Ahmedabad City, Surat City, Vadodara City, Aravalli, District, Bharuch District, and Kutch Bhuj District. The affidavit is also supported with the photographs of service of notice and the relevant Newspaper clippings where the notice was published.
- 6.6.6 Delhi: Affidavit dated 05.04.2024 has been filed on behalf of Mr. Harish H.P., Deputy Commissioner of Police, Legal Division, Police Headquarter, New Delhi. It is stated that the show cause notice has been published in the newspapers, the Times of India, Hindustan Times, Punjab Kesari and Navbharat Times and the announcements have also been made on the All India Radio. It is stated that the show cause notice has also been affixed on the wall of the last known head office of SIMI i.e. H. No. 151/C/9, Zakir Nagar, Delhi and the proclamation was also done at the same time by using loudspeaker. It is further stated that the copy of the show cause notice has also been served, on the accused, Mohammed Hanif Sheikh @ Hanif Hudai @ Mohammed Hanif lodged in Rohini Jail, as well as on another accused who is on bail. The affidavit is accompanied by the photographs, DD entries and receipts of speed post.

- 6.6.7 West Bengal: Affidavit dated 13.04.2024 of Shri Indrajit Basu, Superintendent of Police, Special Task Force, West Bengal has been filed where it has been stated that the copy of notice along with the Gazette notification dated 29.01.2024 has been published in the newspapers, the Times of India, Bartaman, Aajkal and Sanmarg. It is further stated that a copy of the notice and the Gazette notification has been affixed at all the prominent places as well as has been served upon the members of the Association who are on Court bail and available at their last known residential addresses. The notice details 14 such persons. It is further stated that the notice and the Gazette notification has been displayed on the notice board of the offices of the District Magistrates/ SDO/ BDOs of the State of West Bengal. The affidavit is accompanied by the photographs and the newspaper clippings.
- 6.6.8 Rajasthan: Rajasthan has filed the affidavit of Mr. Rajendra Prasad Khoth, Superintendent of Police, Anti-Terrorist Squad, Rajasthan. This affidavit dated 02.04.2024 states that the notices issued by this Tribunal were pasted on the old offices of SIMI in Rajasthan as well as on the notice boards of Collectors as well as Superintendents of Police of every district of Rajasthan. It is further stated that the copy of the notification was also served on the old office bearers of the said organisation against their signatures. The notices have also been published in the two national and two local newspapers apart from being broadcasted on radio. The affidavit is accompanied by the relevant documents, including the photographs and the newspaper clippings.
- 6.6.9 Karnataka: Affidavit of Mr. Hariram Shankar, IPS, Nodal Officer and Deputy Director State Intelligence, Karnataka has been filed. It is stated that in furtherance of the direction of this Tribunal, the public notices have been published in the newspaper the Times of India and the Kannada newspapers, namely Vijaya Karnataka, Hosa Digantha and Prajavani. It is further stated that the notices have also been displayed on the notice boards in the offices of the Deputy Commissioners of the districts in Karnataka. The notices were also tried to be served on the 21 accused persons who were in custody and were lodged in Bengaluru Central prison. However, all the said accused persons refused to receive the notice. It is further stated that the notices were served on the SIMI activists who were on bail or acquitted, and the report of the concerned police officials has been filed in this regard. It is further stated that the notices have also been broadcasted on the All India Radio and Doordarshan. The affidavit is accompanied by relevant documents, including photographs, endorsement on the copies of the notices served and the newspaper clips.
- 6.6.10 Assam: Letter dated 04.04.2024 has been filed by the Joint Secretary to the Government of Assam, Home and Political Department, Dispur. It is stated in the letter that the reports received from the District Superintendents of Police revealed that there was no known office, residence, active members of SIMI in the state of Assam, but service of show cause notice has been done in prominent places of respective district jurisdiction. The notice was also published in the national newspapers, namely the Hindu and the Pioneer and two regional/vernacular newspapers, namely the Assam Tribune, and the Niamiya Barta. The letter is accompanied by the newspaper clippings and the affidavit dated 04.04.2024 of Mr. Abhijeet Sinha, ACS, Joint Secretary to the Government of Assam, Home and Political Department, Assam, Dispur. The photographs of affixation of notice at prominent places and the reports of respective officers in charge of police in the districts of Assam have also been filed.
- 6.6.11 Andhra Pradesh: Affidavit dated 22.04.2024 of Mr. Y. Rishanth Reddy, IPS, Superintendent of Police, Counter Intelligence Cell, FAC, DIG, Counter Intelligence Cell, Office of the DGP, Intelligence Department, Vijayawada, Andhra Pradesh has been filed. It is stated that the orders for filing of affidavit for SIMI related matters were issued to the districts officials. He has furnished the details of four known activist/members of the SIMI on whom the notices were served. He has stated that the show cause notices were published in the daily national newspapers, the New Indian Express in English, Sakshi Newspaper in Telugu and the Rehnuma-E Deccan Newspaper in Urdu. It is stated that the notices were also affixed on the notice boards of the District Collectorate and Police Commissionerates. It is further stated that the notices were served on the office bearers/sympathisers, namely Syed Abdul Aziz and Sheikh Fayaz Ahmed against proper acknowledgment. It is further stated that no functional office of the SIMI was found at the place where it was earlier operating. The affidavit is accompanied with the relevant documents, including affidavits of the police officers, photographs of affixation and service and Newspaper Clips.
- 6.6.12 Uttarakhand: Affidavit dated 22.03.2024 of Mr. Sukhbir Singh, Deputy Inspector General of Police, Intelligence, Intelligence, and Security Headquarters, Uttarakhand, Dehradun has been filed. It is stated in the affidavit that no office, officials, or activity of SIMI was found in the state of Uttarakhand. That the show cause notice has been broadcasted on the All India Radio and the Doordarshan, Dehradun. It is further stated that the copy of the notice was affixed on the notice board of the DIGP, Intelligence and Security Headquarter, Uttarakhand, every office of the District Magistrates and SSPs/SPs of Uttarakhand as well as on the official Facebook page and X handle of Uttarakhand Police. The notice has also been published in the two English national newspapers namely the Hindustan Times and the Pioneer as well as in two Hindi newspapers, namely Hindustan and Rashtriya Sahara. The affidavit is accompanied by relevant documents, including the photographs of affixation and the newspaper clippings.

- 6.6.13 Bihar: Affidavit of Mr. Vinay Kumar Roy, DSP, ATS, Patna, Bihar has been filed. It is stated that as per the directions, the notice has been affixed at public places like railway stations and bus stand. It has also been published in the newspapers, the Hindustan, the Dainik Jagran, the Times of India, the Qaumi Tanzeem, and the Farookhi Tanzeem. The affidavit further mentions seven known SIMI ex-members who are on bail and state that they have been served the notice by registered post. It is further stated that the notice has also been pasted in the office of District Magistrates of various districts, and it has also been affixed and pasted at the known address of SIMI, Patna at Ameen Manzil, Kabadi Gali Exhibition Road, PS – Gandhi Maidan, district Patna. The affidavit is supported with relevant documents, including the photographs of affixation, newspaper clippings, and copies of acknowledgements.
- 6.6.14 Jharkhand: Affidavit of Mr. Santosh Kumar Sinha, Joint Secretary, Department of Home, Prison and Disaster Management, Government of Jharkhand has been filed. This affidavit dated 19.04.2024 states that in compliance of the directions of this Tribunal, notice has been served on the members of SIMI through different modes. A report dated 06.04.2024 of the SP, ATS, Ranchi has been also filed in support of the said service. It is mentioned in the report that the notice has been affixed in the offices of the Superintendents of Police of each district of Jharkhand. The notice was also affixed at the house of SIMI member, namely Manzar Imam. It has been reported that the notice has also been broadcasted on All India Radio and Doorarshan. It is further stated that the publication of the notice was also made in the daily newspaper namely Hindustan, Prabhat Khabar and the Times of India. This affidavit is also accompanied by the relevant documents including clippings of the newspapers and photographs of affixation.
- 6.6.15 Chhattisgarh: Affidavit of Ms. Rajshree Mishra, SP, ATS of Chhattisgarh State has been filed. In the said affidavit dated 06.04.2024, it is stated that in compliance of the orders of this Tribunal, the notices have been affixed on the public places like railway stations and bus stands in those areas of the State where the activities of the association were carried out. The notice has also been affixed on the notice board of the offices of the District Collectors at the headquarters of districts in the State.
- 6.6.16 Telangana: Affidavit dated 28.03.2024 of Mr. R.Bhaaskaran, IPS, Superintendent of Police, Counter Intelligence Cell, Intelligence Department, Telangana state has been filed. It is stated in the affidavit that a copy of the show cause notice was pasted at the conspicuous places in the last known premises of the SIMI i.e. Masjid-e-Quwat Jung, H. No. 22–3–793, Darul Shifa, Hyderabad and at the Malakpet Metro Station, Hyderabad, which was constructed after demolishing the SIMI head office, Mahboob Mansion, Malakpet, Hyderabad. It is further stated that the notice was also got published in two vernacular newspapers, i.e. Andhra Jyoti, and Rehnuma-e-Deccan daily in addition to the English newspaper, the Pioneer. The contents of the notice were also proclaimed by beating of drums and by means of loudspeakers. The notices were also pasted on the notice board of the Collectorates, District/City Police Offices, Sub Divisional Offices etc. The affidavit is accompanied by the relevant documents, including the photographs of affixation and newspaper clippings.
- 6.6.17 Goa: The State of Goa has filed the affidavit of Mr. Edwin M. S. Colaco, the Superintendent of Police, Anti-Terrorism Squad, Panaji. It is stated that there is no case pertaining to SIMI members in the State of Goa nor is there any known office of the said association and therefore no notice could be affixed.
- 6.6.18 Madhya Pradesh: The State of Madhya Pradesh has filed the affidavit of Mr. Pranay S. Nagvanshi., SP, ATS, Madhya Pradesh, Bhopal. He has stated that the notice issued by this Tribunal has been served to the activists of the banned organisation SIMI in a proper manner. That the notice has been broadcasted over the All India Radio/Doordarshan. It has also been published in the newspapers Dainik Bhaskar and the Hindustan Times. He has filed the documents in support of service of notice on the known activists of the organisation and also the newspaper clippings.
- 6.6.19 Maharashtra: The State of Maharashtra has filed the affidavit dated 01.04.2024 of Mr. Rajesh Shaligram Govil, Deputy Secretary to the Government of Maharashtra, Home Department in compliance of service of notice. It is stated that all District Magistrates of Maharashtra were directed to take necessary steps to serve notices on SIMI organisation and its members. The Director General of Police, Maharashtra State and Commissioner of Police, Mumbai were also directed by the State Government to take necessary steps. This affidavit is supported by the documents in the form of compliance reports from respective districts of Maharashtra, the photographs and newspaper for the clippings in support of service of notice.
- 6.7 It is also relevant to mention that the Tribunal has directed the issuances of public notice in the newspapers (both in English and vernacular language) having circulation in the States other than Delhi where the Tribunal held hearings. The compliance of such directions has been reported by the respective States and the same is encapsulated in the following chart:

S. No.	Date and Place of Hearing	Newspapers in which the public notice was published
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01	04.05.2024 Kochi, Kerala	The New Indian Express (English) Malayalam Manorama (Regional language)
02	22.05.2024 Prayagraj, Uttar Pradesh	The Sunday Times of India (English) Dainik Jagran (Hindi)
03	24.05.2024 Lucknow, Uttar Pradesh	The Sunday Times of India, (English) Dainik Jagran, (Hindi)
04	06.06.2024 and 07.06.2024 Jabalpur, Madhya Pradesh	Hindustan Times (English) Dainik Bhaskar (Hindi)
05	11.06.2024 Ahmedabad, Gujarat	The Times of India (English) Divya Bhaskar (Regional language)
06	18.06.2024 and 19.06.2024 Coonoor, Tamil Nadu	The Hindu (English) Deccan Chronicle (English) Dina Thanthi (Regional Language) Dinakaran (Regional Language)
07	25.06.2024 and 26.06.2024 Mumbai, Maharashtra	Free Press Journal (English) The Indian Express (English) Lokmat (Regional Language) Loksatta (Regional Language) Samna (Regional Language)
08	28.06.2024 Nagpur, Maharashtra	Dainik Bhaskar (English) The Hitavada (English) Tarun Bharat (Marathi)

6.8 Despite the above mentioned steps taken for serving notice upon the unlawful association and its office bearers/members, no one has approached this Tribunal to challenge the notification dated 29.01.2024. Hence, the proceedings with respect to the association were conducted ex-parte.

6.9 SUBSEQUENT PROCEEDINGS: The following table shows in chronological manner, the proceedings conducted by this Tribunal:

S. No.	Date of Hearing	Place	Remarks
1.	29.02.2024	Delhi	a. Notice issued under Section 4(2) of the UAPA to the association.
2.	09.04.2024	Delhi	a. Service of notice and compliance affidavits of the States were considered. b. Replies to the notice filed by some individuals from different parts of the country were considered. c. Mr. Humam Ahmed Siddiqui has filed a written submission to the effect that he shall not contest the notification dated 29.01.2024.
3.	16.04.2024	Delhi	a. Service of notice and affidavits of the States were considered. b. Replies to the notice filed by some individuals from different parts of the country were considered.

4.	24.04.2024	Delhi	a. Affidavits of evidence filed on behalf of some States and the NIA.
5.	04.05.2024	Kochi, Kerala.	a. Witnesses namely Mr. Putta Vimaladitya (PW1), Mr. Umesh Rai (PW2) and Mr. Abhilash M J (PW3) examined.
6.	06.05.2024	Delhi	a. Dates for examining further witnesses fixed.
7.	10.05.2024	Delhi	a. Further affidavits of evidence filed on behalf of a different States and the Central Government agencies. b. Witness namely Mr. Ved Prakash (PW4) examined. c. Dates for examining further witnesses fixed.
8.	15.05.2024	Delhi	a. Further affidavits of evidence filed by the Central Government.
9.	22.05.2024	Prayagraj, Uttar Pradesh.	a. Witnesses namely Mr. Vivek Yadav (PW5), Mr. Gaurav Sharma (PW6) and Ms. Shweta Kumari (PW7) examined.
10.	24.05.2024	Lucknow, Uttar Pradesh.	a. Witnesses namely Mr. Dharmendra Singh Raghuvanshi (PW8), Mr. Kuldeep Tiwari (PW9), Mr. Preetam Pal Singh (PW10) and Mr. Amrinder Singh (PW11) examined.
11.	27.05.2024	Delhi	a. Status of further evidence submitted by the Union. b. Letters sent by two recipients of the notice considered.
12.	31.05.2024	Delhi	a. Compliance of the directions issued regarding the evidence considered. b. Dates of examining the witnesses scheduled.
13.	06.06.2024	Jabalpur, Madhya Pradesh.	a. Witnesses namely Mr. Pranay S. Nagvanshi (PW12), Mr. Arvind Singh Tomar (PW13), Mr. Sanjay Sharma (PW14), Mr. R.K. Singh (PW15) and Ms. Anita Prabha Sharma (PW16) examined.
14.	07.06.2024	Jabalpur, Madhya Pradesh.	a. Sealed envelope of intelligence inputs filed by the witness Mr. Pranay S. Nagvanshi.
15.	11.06.2024	Ahmedabad, Gujarat.	a. Witness Mr. Harsh Upadhyay (PW17) examined.
16.	18.06.2024	Coonoor, Tamil Nadu.	a. Witnesses namely Mr. Ara. Arularasu (PW18) and Mr. R. Ranjith Singh (PW19) examined.
17.	19.06.2024	Coonoor, Tamil Nadu.	a. Dates fixed for examining further witnesses.
18.	25.06.2024	Mumbai, Maharashtra.	a. Witnesses namely Mr. Vinod Kadam (PW20), Mr. Amol Nandkumar Salunkhe (PW21), Mr. Prakash Shivdas Chavan (PW22), Mr. Rahul Ramchandra Zalte (PW23), Mr. Nilesch Nanabhau Sonawane (PW24), Mr. Kishor Vasudeo Parab (PW25) and Mr. Vasant Jadhav (PW26) examined.

19.	26.06.2024	Mumbai, Maharashtra.	a. Witnesses namely Mr. Pramod Abhiman Pawar (PW27) and Mr. Siraj Hajratsaheb Inamdar (PW28) examined.
20.	28.06.2024	Nagpur, Maharashtra.	a. Witnesses namely Ms. Madhuri Dilip Baviskar (PW29), Mr. Kundlik Rambhau Hore (PW30), Mr. Manohar Ramchandra Dabhade (PW31) and Mr. Maroti Dnyanoji Thorat (PW32) examined.
21.	01.07.2024	Delhi.	a. Witnesses namely Mr. Vipin Kumar (PW33), Mr. Ankur Sharma (PW34) and Mr. Shriram Meena (PW35) examined. b. Schedule fixed for further evidence and for arguments.
22.	08.07.2024	Delhi	a. Witnesses namely Ms. Susheela R. (PW36), Mr. Wanenlo Woch (PW37) and Mr. T. V. Rajesh (PW38) examined.
23.	10.07.2024	Delhi	a. Witness namely Mr. Rajesh Kumar Gupta (PW39) examined
24.	11.07.2024	Delhi	a. Arguments of the Union of India heard.
25.	12.07.2024	Delhi	a. Submissions of Mr. Rajesh Kumar Gupta regarding the sealed cover documents considered. Matter reserved for orders.
26.	24.07.2024	Delhi	a. Order pronounced.

VII. EVIDENCE PRODUCED BY GOVERNMENT OF INDIA/STATES/UNION TERRITORIES.

7.1. The following witnesses were examined by the Government to prove that the ban was imposed on SIMI for sufficient cause and reasonable grounds:

S.No.	Witness	Examined on behalf of	Documents relied upon in evidence
1.	Mr. Putta Vimaladitya, IPS, Deputy Inspector General, Anti-Terrorist Squad, Kerala Police Department, Government of Kerala. (PW1)	State of Kerala	<p>i. Copy of the order of the Special Court in SC-2/2011 dated 14.05.2018, as Ex. PW1/B.</p> <p>ii. Copy of the order of the Hon'ble Supreme Court of India in SLP (Crl.) No. 5971/19 dated 21.09.2023, as Ex. PW1/C.</p> <p>iii. Copy of the order of High Court of Kerala in CrI. Apl.No. 1575/13 and other connected cases, dated 09.05.2022, as Ex. PW1/D.</p> <p>iv. Copy of FIR and its translation of crime No. 448/2010 of Kozhikode Town Police Station as Ex. PW1/E.</p> <p>v. Copy of charge sheet and its English translation in crime No.448/2010 of Kozhikode Town police station as Ex. PW1/F.</p> <p>vi. Copy of FIR and its English translation of crime No. 533/2013 of Nadakkavu Police Station as Ex. PW1/G</p> <p>vii. Copy of charge sheet and its English translation in crime No. 533/2013 of Nadakkavu police station as Ex. PW1/H.</p>

			<p>viii. Copy of FIR and its English translation of crime No. 697/2013 of Nadakkavu police station as Ex. PW1/I, and</p> <p>ix. Copy of charge sheet and its English translation in crime No, 697/2013 of Nadakkavu police station as Ex. PW1/J.</p>
2.	Umesh Rai K. Inspector of Police, National Investigation Agency, Kochi. (PW2)	NIA	<p>i. True copy of FIR no. RC-02/2022/NIA/KOC dated 19.09.2022 along with the MHA order No. 11011/84/2022/NIA dated 16.09.2022 as Ex. PW2/B.</p> <p>ii. True copy of the MHA order no. 11011/82/2022/NIA (Part) dated 19.12.2022 as Ex. PW2/C.</p> <p>iii. True copy of the final report dated 17.03.2023 against accused Mohammed Ali @ Kunhappu Haji @ Kunhappu Sahib @ Kunjappukka and 58 others as Ex. PW2/D.</p> <p>iv. True copy of the list of witnesses, documents, material objects, prosecution sanction, protected witnesses and protected documents annexed in the final report dated 17.03.2023, as Ex. PW2/E.</p> <p>v. True copy of redacted statement of the protected witnesses viz. Protected Witness 1, 2, 3 and 14 respectively, as Ex. PW2/F.</p> <p>vi. True copy of the statements of the witnesses viz. CW - 610, CW- 611, CW- 613, CW- 617, CW- 639 and CW - 641 as Ex. PW2/G.</p>
3.	Mr. Abhilash MJ, Inspector of Police, National Investigation Agency, Kochi, Kerala. (PW3)	State of Kerala	<p>i. Copy of FIR no. RC - 02/2019/NIA/KOC dated 30.05.2019 along with the MHA order No. 11011/24/2019/NIA dated 28.05.2019 as Ex. PW3/B.</p> <p>ii. The Search List prepared during the house search of Shiek Hidayatullah (A-3 in the aforesaid case) as Ex. PW3/C.</p> <p>iii. True copy of English translation of one of the recovered materials (D-65, a SIMI magazine bearing name "Khilafa SIMI Monthly Magazine" dated September. 2001) as Ex. PW3/D.</p> <p>iv. Copies of respective arrest memos of Mohammed Azaruddin and Shiek Hidayatullah (both accused in the aforesaid case) as Ex. PW3/E and Ex. PW3/F.</p> <p>v. The copy of the chargesheet dated 07.12.2019 of the above mentioned case, taken on record by the Special Court for Trial of NIA cases, Ernakulam as SC-3/2019/NIA as Ex. PW3/G.</p> <p>vi. Report along with the list of additional evidence collected during further investigation filed in the Special Court on 26.10.2022 as Ex. PW3/H.</p>

			vii. Copy of the statements of the protected witnesses viz. Protected Witness-A, Protected Witness-B and Protected Witness-C as Ex. PW3/I, PW3/J and Ex. PW3/K, respectively.
4.	Mr. Ved Prakash, Asstt. Commissioner of Police, Special Cell, Southern Range (ACP/Spl.Cell/SR), Delhi Police. (PW4)	GNCT of Delhi	<p>i. True copy of FIR no. 532/2001, P.S.- New Friends Colony as. Ex. PW4/B.</p> <p>ii. True copy of the supplementary charge sheet dated 24.04.2024 filed before the Ld. Special Court for the offences under Sections 153A, 153B, 120B, 34 & 174 of the IPC and Sections 3, 10 & 13 of the UAPA as Ex. PW4/C.</p> <p>iii. True copy of the statements of witnesses recorded under Section 161 Cr.P.C. as Ex. PW4/D.</p>
5.	Mr. Vivek Yadav, A.C.P, Prayagraj, Uttar Pradesh. (PW5)	State of Uttar Pradesh	<p>i. The copies of F.I.R and Charge sheet in regional language and its English translation of Crime No. 324 of 2001 registered under Sections 153A, 225, 295 & 120B of I.P.C. at P.S.- Colonelganj, District-Allahabad (Prayagraj) as Ex. PW5/B.</p> <p>ii. The copies of F.I.R and Charge sheet in regional language and its English translation of Case Crime No. 384 of 2001 registered under Section 153A, 124A & 295A I.P.C. and Sections 3(3), 10 & 13 of UAPA P.S. – Colonelganj, District-Prayagraj as Ex. PW5/C.</p> <p>iii. The true copies of F.I.R and Charge sheet in regional language and its English translation of Case Crime No. 246 of 2008 registered under Sections 489A, 489B, 489C & 489D, at P.S- Ghoorpur, District- Prayagraj as Ex. PW5/D.</p> <p>iv. The true copy of the judgment and order dated 12.01.2012 passed by the District and Sessions Judge, Allahabad in Case Crime No. 246 of 2008 in regional language as Ex. PW5/E.</p> <p>v. True copy of the bail order dated 21.05.2012 passed by the Allahabad High Court in CrI. Appeal No. 543 of 2012 as Ex. PW5/F.</p>
6.	Mr. Gaurav Sharma, Circle Officer (CO) City, Azamgarh, Uttar Pradesh (PW6)	State of Uttar Pradesh	<p>i. The copies of F.I.R and Charge sheet dated 12.02.2002 in regional language and its English translation of Case Crime No. 129 of 2001 registered under Sections 153A, 153B & 505 of I.P.C and 10 & 13 of UAPA at P.S.- Saraimeer, District- Azamgarh as Ex. PW6/B.</p> <p>ii. The copies of F.I.R and Charge sheet dated 20.06.2002 in regional language and its English translation of Case Crime No.</p>

			<p>186 of 2001 registered under Sections 153A, 153B & 505 of I.P.C. and Sections 3(1) 10 & 13 of UAPA at P.S.- Nijamabad, District- Azamgarh as Ex. PW6/C.</p> <p>iii. The true copies of F.I.R and Charge sheet dated 30.01.2019 in regional language and its English translation of Case Crime No.09 of 2019 registered under Sections 420, 467, 468 & 471 of I.P.C. and Section 8 of Notary Act, at P.S - Nijamabad, District- Azamgarh as Ex. PW6/D.</p> <p>iv. The true copies of F.I.R and Charge sheet dated 16.01.2001 in regional language and its English translation of Case Crime No. 1058 of 2000 registered under Sections 153A, 505, 295 & 120B of I.P.C. at P.S Kotwali, District- Azamgarh as Ex. PW6/E;</p> <p>v. The true copies of F.I.R and Charge sheet dated 23.11.2001 in regional language and its English translation of Case Crime No. 979 of 2001 registered under Sections 153, 153A, 153B & 505 of I.P.C. and 3(1), 10 & 12 of UAPA at P.S - Kotwali Sadar, District- Azamgarh as Ex. PW6/F.</p>
7.	Ms. Shweta Kumari, Assistant Commissioner of Police (ACP) Sisamau, Kanpur Nagar. (PW7)	State of Uttar Pradesh	<p>i. True copy of the FIR, statements of witnesses and Charge sheet in regional language as well as its English translation of Case Crime No. 39 of 2001 registered under Sections - 188, 153A & 153B of I.P.C. and Section 10 of Criminal Law (Amendment) Act, 1932 at P.S.- Chamanganj, District- Kanpur as Ex. PW7/B.</p> <p>ii. True copy of FIR and charge sheet of Case Crime No. 84/2001 registered under Sections 115, 120B, 121, 121A, 122, 123 & 124 of I.P.C. at P.S.- Bajariya, District- Kanpur Nagar as Ex. PW7/C.</p> <p>iii. The copy of the statement of the witness Insp. Brajveer Singh and its English translation as recorded before the learned court during the trial of the case FIR no. 84/2001 as Ex. PW7/D.</p>
8.	Mr. Dharmendra Singh Raghuvanshi, Assistant Commissioner of Police, Bazar Khala, District- Lucknow, Uttar Pradesh. (PW8)	State of Uttar Pradesh	<p>i. True Copy of the F.I.R of crime no. 25 of 2003 dated 25.01.2003 registered under Sections 153A, 153B, 297 & 420 of I.P.C. and section 7 Criminal Law (Amendment) Act at P.S.- Sahadatganj, District- Lucknow and recovery memo in regional language as well as its English translation as Ex. PW8/B.</p> <p>ii. True copy of the charge sheet dated 29.01.2003 in regional language as well as its English translation as Ex. PW8/C.</p>
9.	Mr. Kuldeep Tiwari, Deputy Superintendent of Police, Anti	State of Uttar Pradesh	<p>i. True Copy of the FIR & charge sheet in regional language with its English</p>

	Terror Squad-Uttar Pradesh, Lucknow (PW9)		<p>translation of Case Crime No. 449 of 2002 registered under Sections 153A, 153B & 420 of I.P.C. and Section 13 of UAPA at Police Station- G.R.P. Charbagh, Lucknow as Ex. PW9/B.</p> <p>ii. True Copy of FIR and charge sheet in regional language with its English translation of Case Crime No. 609 of 2001 registered under Sections 153A, 153B, 124A, 298, 505 & 120B IPC at Police Station-Kotwali Sadar, District-Gorakhpur as Ex. PW9/C.</p> <p>iii. True copy of the FIR and charge sheet in regional language with its English translation of Case Crime No. 510 of 2001 registered under Section 153A IPC at Police Station-Mohammadabad, District-Mau as Ex PW9/D.</p> <p>iv. True copy of the FIR and Charge sheet in regional language with its English translation of Case Crime No. 396 of 2001 registered under Sections 153A, 153B & 295A of I.P.C. and Sections 10 & 13 of UAPA at Police Station - Bhadohi, District - Sant Ravidas Nagar as Ex. PW9/E.</p> <p>v. True copy of the FIR and Charge sheet in its regional language with its English translation of Case Crime No. 733 of 2001 registered under Sections 153A & 153B of I.P.C. and Section 7 of Criminal Law (Amendment) Act and Section 10 & 13 of UAPA at Police Station- Kotwali Mathura, District- Mathura as Ex. PW9/F.</p> <p>vi. Copy of the Judgment and order dated 30.06.2022 (regional language and its English translation) delivered by the Court of the Addl. District & Sessions Judge, Court No. 3, Special Judge NIA/ATS, Lucknow in Sessions Trial no. 921/2015, 922/2015, 923/2015 924/2015, 925/2015, 926/2015, 927/2015 and 152/2018 as Ex. PW9/G.</p>
10.	Mr. Peetam Pal Singh, Deputy Superintendent of Police/CO, Dhaurahara, District- Lakhimpur Khiri, Uttar Pradesh.(PW10)	State of Uttar Pradesh	<p>i. True copy of the FIR and chargesheet in regional language and its English translation of Crime No. 1035 of 2001 registered under Sections 10 and 13, of UAPA, P.S.- Kotwali Nagar, District-Lakhimpur Khiri as Ex. PW10/B.</p> <p>ii. True copy of the statements of Tejpal Verma (complainant). Constable Subhash Chandra Yadav, Constable Rajendra Prasad and Constable Driver Vijay Kumar Shukla with English translation as recorded by the investigation officer as Ex. PW10/C.</p> <p>iii. True copy of the FIR in regional language and its English translation of Case Crime No. 658 of 2000 registered under Sections 153A, 153B, 295A and 505(2)</p>

			<p>IPC, at RS.- Kotwali, District- Lakhimpur as Ex. PW10/D.</p> <p>iv. Copy of the statements of witnesses namely Inspector Suraj Nath Yadav, Smt. Sudha Sharma, Smt. Raj Kumari Shukla, Umesh Kumar Mishra, Mistri Lal, Suraj Kumar and Kaushal Kishore recorded under section 161 Cr.P.C as Ex. PW10/E.</p> <p>v. True copy of the chargesheet with its English translation of Case Crime No. 658 of 2000 registered under Sections 153A, 153B, 295B and 505(2) IPC, at P.S.- Kotwali, District- Lakhimpur as Ex. PW10/F.</p>
11.	Mr. Amrinder Singh, IPS, Circle Officer, Police Line, District- Moradabad, Uttar Pradesh. (PW11)	State of Uttar Pradesh	<p>i. True Copy of the FIR & charge sheet in regional language, its translation and the present status of the case Crime No. 1197 of 2001 registered under Sections 147, 153A & 153B of I.P.C. and Sections 13(1) & 13(2) of UAPA at P.S.- Civil Line Sadar, District- Moradabad as Ex. PW11/B.</p> <p>ii. True Copy of FIR and charge sheet in regional language, its English translation and present status of the case Crime No. 266 of 2001 registered under Sections 147, 148, 504, 506, 153A & 153B I.P.C. and Section 13(1) and 13(2) of UAPA, at P.S.- Mugalpura, District- Moradabad as Ex. PW11/C.</p> <p>iii. True copy of the FIR and charge sheet in regional language, its English translation and the present status of the case Crime No. 270 of 2001 registered under Sections 147, 153A & 153B I.P.C. and Sections 3(1), 13(1) & 13(2) of UAPA, at P.S - Mugalpura, District- Moradabad as Ex. PW11/D.</p> <p>iv. True copy of the FIR and Charge sheet in its regional language, its English translation and present status of the case Crime No. 572 of 2001 registered under Sections 153A & 153B I.P.C. and Sections 13(1) & 13(2) of UAPA, at P.S - Nagfani, District- Moradabad as Ex. PW11/E.</p>
12.	Mr. Pranay S. Nagvanshi, S.P. (A.T.S.), P.H.Q., Bhopal, Madhya Pradesh. (PW12)	State of Madhya Pradesh	<p>i. True Copy of the order dated 04.07.2023 as Ex. PW12/B.</p> <p>ii. True Copy of FIR of the Cr. No. 22/13 registered at police station ATS/STF Bhopal and its English translation as Ex. PW12/C.</p> <p>iii. Copy of Charge sheet of Cr. No. 22/13 as Ex. P W12/D.</p> <p>iv. Certified copy of judgment dated 16.09.2022 passed in S.T. Reg. No. 541/2014 and its English translation as Ex. PW12/E.</p>

			<p>v. True copy of the FIR of Cr. No. 01/2014 registered at police station ATS/STF Bhopal and its English translation as Ex. PW12/F.</p> <p>vi. Copy of charge sheet of Cr. No. 01/2014 and its English translation as Ex. PW12/G.</p> <p>vii. Certified copy of the judgment dated 28.02.2019 passed in S.T. Reg. No. 9600502/2014 and its English translation as Ex. PW12/H.</p> <p>viii. Material in sealed cover.</p>
13.	Mr. Arvind Singh Tomar, C.S.P. Khandwa, District - Khandwa, Madhya Pradesh. (PW13)	State of Madhya Pradesh	<p>i. True Copy of the order dated 20.04.2024 as Ex. PW13/B.</p> <p>ii. True Copy of the FIR of the Cr. No. 541/13 registered at Police Station Kotwali, Khandwa and its English translation as Ex. PW13/C.</p> <p>iii. True Copy of the charge sheet of Cr. No. 541/13 as Ex. PW13/D.</p> <p>iv. The certified copy of Judgment dated 07.12.2023 in S.T. Reg. No. 9600154/2015 and its English translation as Ex. PW13/E.</p>
14.	Mr. Sanjay Sharma, Deputy Superintendent of Police, (LR/HQ), Dewas, Madhya Pradesh. (PW14)	State of Madhya Pradesh	<p>i. True Copy of the order dated 22.04.2024 as Ex. PW14/B.</p> <p>ii. True Copy of the Crime No. 456/09 registered at Police Station - BNP, Dewas and its English translation as Ex. PW14/C.</p> <p>iii. True Copy of the charge sheet of Cr. No. 456/09 as Ex. PW14/D</p> <p>iv. Certified copy of judgment dated 11.12.2020 in S.T. Reg. No. 9600223/2014 and its English translation as Ex. PW14/E.</p>
15.	Mr. R.K. Singh, DSP Railway, Indore, Madhya Pradesh. (PW15)	State of Madhya Pradesh	<p>i. True Copy of the order dated 23.04.2024 as Ex. PW15/B.</p> <p>ii. True Copy of the Cr. No. 35/11 registered at Police Station GRP, Ratlam and its English translation as Ex. PW15/C</p> <p>iii. True Copy of the charge sheet of Cr. No. 35/11 with its English translation as Ex. PW15/D</p> <p>iv. Certified copy of judgment dated 15.03.2019 in S.T. Reg. No. 9600298/2014 and its English translation as Ex. PW15/E.</p>
16.	Mrs. Anita Prabha Sharma, A.C.P. Kotwali Sub Division Bhopal, Madhya Pradesh. (PW16)	State of Madhya Pradesh	<p>i. True Copy of the order dated 22.04.2024 as Ex. PW16/B.</p> <p>ii. True Copy of the FIR of Cr. No.95/08 registered at police station Kotwali, Bhopal along with its English translation as Ex. PW16/C.</p> <p>iii. True Copy of the charge sheet of Cr. No.95/08 as Ex. PW16/D.</p> <p>iv. True Copy of Judgment dated</p>

			22.06.2019 of RT No. 14638/09 with its English translation as Ex. PW16/E.
17.	Mr. Harsh Upadhyay, Deputy Superintendent of Police, Anti-Terrorist Squad, Gujarat State, Ahmedabad. (PW17)	State of Gujarat	<p>i. Certified copy of the judgment of the case titled 'State of Gujarat v. Jahid @ Javed Kutubuddin Shaikh and others' delivered by the learned Additional Sessions Judge (Special Designated Judge for Speedy Trial of Serial Bomb Blast Cases), Court No. 4, Ahmedabad, Gujarat on 18.02.2022 as Ex. PW-17/B.</p> <p>ii. The synopsis of the said judgment as Ex. PW-17/C.</p> <p>iii. Material in sealed cover.</p>
18.	Mr. Ara.Arularasu, IPS, Superintendent of Police, Special Division, Special Branch Criminal Investigation Department, Chennai, Tamil Nadu. (PW18)	State of Tamil Nadu	<p>i. True Copy of the Judgment dated 29.02.2012 in Tamil passed by the Court of Ld. Additional District and Sessions Judge - Fast Track Court No. II, Coimbatore in S.C. No. 459 of 2011 and its English translation as Ex. PW18/B.</p> <p>ii. True Copy of the judgment dated 19.12.2019 passed by the Hon'ble High Court of Madras in CrI. A. Nos. 306 & 392 of 2012 & CrI. M.P. No. 59449 of 2019 as Ex. PW18/C.</p> <p>iii. The true copy of excerpts of the seized material recovered from the accused Shajahan in Tamil language and its English translation as Ex. PW18/D.</p>
19.	Mr. R. Ranjith Singh, Deputy Superintendent of Police, National Investigation Agency (NIA), Chennai. (PW-19)	NIA	<p>i. True Copy of the FIR No. RC 16/2019/NIA/DLI along with the MHA order No. 11011/34/2019/NIA as Ex. PW19/B.</p> <p>ii. True copy of Personal Search Memo of accused Mohamed Ibrahim prepared by the CIO at NIA HQ New Delhi on 13.07.2019 as Ex. PW19/C.</p> <p>iii. True copy of the Book printed in Arabic language and seized during the personal search of accused Mohamed Ibrahim conducted by the CIO as Ex. PW19/D.</p> <p>iv. True copy of the Indian Passport bearing No.N7704953 in the name of the accused Mohamed Ibrahim seized during his personal search conducted by the CIO as Ex. PW19/E.</p> <p>v. True copy of the Search list dated 20.07.2019 prepared by Shri Umesh Rai, SI, NIA, Kochi of the search of the house of Mohamed Ibrahim as Ex. PW19/F.</p> <p>vi. True copy of Search list dated 20.07.2019 prepared by Shri Umesh Rai, SI, NIA, Kochi of the search of the house of Mrs. Barakathunnisa, wife of the accused Mohamed Ibrahim as Ex. PW19/G.</p>

			<p>vii. True copy of Aadhaar Card of Barakathunnisa Mohamed Ibrahim, bearing No.704188090702 seized by Shri Umesh Rai, SI, NIA, Kochi on 20.07.2019 during the search conducted in her house as Ex. PW19/H.</p> <p>viii. True copy of the Building tax receipt No. 133340 of House No.4/117, seized by Shri Umesh Rai, SI, NIA, Kochi on 20.07.2019 during the search conducted in the house of Barakathunnisa, as Ex. PW19/I.</p> <p>ix. True copy of United Arab Emirates Resident Identity Cards of Barakathunnisa Mohamed Ibrahim, ZainabJamali Mohamed Ibrahim and MariyamJamali Mohamed Ibrahim- seized by Shri Umesh Rai, SI, NIA, Kochi on 20.07.2019 during the search conducted in the house of Barakathunnisa, as Ex. PW19/J.</p> <p>x. True copy of the Disclosure cum Social Media Extraction proceedings of accused Mohamed Ibrahim dated 24.07.2019 conducted by SI Amneeswari along with Certificates under Section 65B of Indian Evidence Act as Ex. PW19/K.</p> <p>xi. True Copy of the Charge Sheet dated 08.01.2020 filed before the NIA Special Court, Chennai against 11 accused persons, including Mohamed Ibrahim who was the State Secretary of SIMI in the State of Tamil Nadu as Ex. PW19/L.</p> <p>xii. True Copy of the statements of the Prosecution Witness viz. Mohamed Ithrees, the brother of Mohamed Ibrahim and Smt. Barakathunnisa, wife of Mohamed Ibrahim as Ex. PW19/M and Ex. PW19/N respectively.</p> <p>xiii. True Copy of the FIR No. RC-06/2020/NIA/DLI and with the MHA order no. 11011/15/2020/NIA as Ex. PW19/N.</p> <p>xiv. True copy of Arrest Memo of accused Shihabuddin S. as Ex. PW19/O.</p> <p>xv. True copy of Personal Search Memo of accused Shihabuddin S. as Ex. PW19/P.</p> <p>xvi. True copy of Boarding Pass dated 05.01.2021 of accused Shihabuddin S. as Ex. PW19/Q.</p> <p>xvii. True copy of Indian Passport of accused Shihabuddin S. as Ex. PW19/R.</p> <p>xviii. True copy of Search/ Seizure List dated 20.01.2021 of accused Shihabuddin S. as Ex. PW19/S.</p> <p>xix. True copy of Tamil Book "<i>Jihad</i>"</p>
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			<p><i>Oru Islamic Paravi</i>” as Ex. PW19/T.</p> <p>xx. True copy of translation of book titled “<i>Jihad Oru Islamic Paravi</i>” as Ex. PW19/U.</p> <p>xxi. True copy of the Urdu language book as Ex. PW19/V.</p> <p>xxii. True copy of Book ‘<i>Organisation of the Khilafah State</i>’ as Ex. PW19/W.</p> <p>xxiii. True copy of Tamil Nadu Government Gazette as Ex. PW19/X.</p> <p>xxiv. True copy of Search List dated 21.01.2021 as Ex. PW19/Y.</p> <p>xxv. True copy of story of Osama Bin Laden and Al- Qaeda in flight as Ex. PW19/Z.</p> <p>xxvi. True copy of Government of India Ministry of Home Affairs Order No 11011/15/2020 dated 28.06.2020 as Ex. PW19/AA.</p> <p>xxvii. True copy of production cum seizure memo dated 06.05.2021 as Ex. PW19/AB.</p> <p>xxviii. True copy of passenger manifest of GoAir dated 17.10.2019 as Ex. PW19/AC.</p> <p>xxix. True copy of the charge sheet dated 02.07.2021 as Ex. PW19/AD</p> <p>xxx. The copy of the statements of the witnesses recorded under Sections 161 Cr.P.C. as Ex. PW19/AE.</p>
20.	Mr. Vinod Kadam, Dy. Superintendent of Police in the National Investigation Agency, BO- Mumbai. (PW-20)	NIA	<p>i. True copy of the FIR No. 243 of 2023 dated 18.09.2023 registered under Sections 43 & 120B of IPC at PS Special Cell, New Delhi, as Ex. PW20/B.</p> <p>ii. True copy of the Arrest Memos of Mohammad Rizwan Ashraf, Mohammad Arshad Warsi & Shahnawaj Alam as Ex. PW20/C.</p> <p>iii. True copy of the seizure memos dated 02.10.2023 and 16.10.2023 as Ex. PW20/D.</p> <p>iv. True copy of the FIR No. RC-29/2023/NIA/DLI along with MHA Order No. 11011/84/2023/NIA dated 19.10.2023 as Ex. PW20/E.</p> <p>v. True Copy of the Charge sheet U/s 173 Cr.P.C. dated 21.03.2024 filed by NIA in FIR RC-29/2023/NIA/DLI as Ex. PW20/F.</p> <p>vi. True copies of the prosecution sanction under Section 45(1) of the UAPA, under Section 196 of Cr.P.C. issued by Under Secretary of MHA (Govt. of India), sanction under Section 39 of the Arms Act, 1959, sanction under Section 7 of the</p>

			<p>Explosive Substances Act, 1908, list of witnesses, list of documents and list of seized articles in the Charge sheet dated 21.3.2024 as Ex. PW20/G.</p> <p>vii. True copies of truncated statement of the Protected Witnesses viz. KW-5, KW-6, KW-7, KW-8 & KW-9 as Ex. PW20/H.</p> <p>viii. True copies of the statements of other important witnesses i.e., Abdullah Danish, Rehan Ali and Ajmal Farooqui as Ex. PW20/I.</p> <p>ix. True copy of supplementary charge sheet dated 03.06.2024 in the case RC-29/2023/NIA/DLI as Ex. PW20/J.</p>
21.	Mr. Amol Nandkumar Salunkhe Assistant Police Inspector, PS Padgha, Thane (Rural), Maharashtra. (PW21)	State of Maharashtra	<p>i. The copy of the FIR No. 15/2023 dated 11.01.2023 P.S.- Padgha, with its English translation as Ex. PW21 /A.</p> <p>ii. The copy of Spot Panchnama dated 12.01.2023 with its English translation as Ex. PW21 /B</p> <p>iii. The copy of the Statement of Hanumant Krishna Kachare dated-13.01.2024 with its English translation as Ex. PW21 /C</p> <p>iv. The certified copy of the Charge Sheet dated 11.01.2023 in the said case FIR no. 15/2023 with its English translation as Ex. PW21/D.</p> <p>v. Certified copy of the Confidential Activity Report of accused Kasib Sattar Balere maintained by PS-Padgha as Ex. PW21/E.</p>
22.	Mr. Prakash Shivdas Chavan, Head Constable/2616, presently posted at PS- Kulgaon, Thane Rural, Maharashtra. (PW22)	State of Maharashtra	<p>i. The copy of the FIR no. 100/2021 dated 06.03.2021 PS- Padgha with its English Translation as Ex. PW22 /B.</p> <p>ii. The copy of the Judgment dated 11.12.2021 delivered by the Ld. JMFC, Bhiwandi with its English translation as Ex. PW22/C.</p>
23.	Mr. Rahul Ramchandra Zalte, Deputy Superintendent of Police, Ganeshpuri Division, Distt.-Thane (Rural) Maharashtra. (PW23)	State of Maharashtra	<p>i. The true copy of the FIR No. 0203/2022 dated 26.06.2022, P.S. – Padgha with its English translation as Ex. PW23/B.</p> <p>ii. The true copy of the Photograph of the hate writing in Urdu with its English translation as Ex. PW23/C.</p> <p>iii. The true copy of the seizure memo dated 27.06.2022 with its English translation as Ex. PW23/D.</p> <p>iv. The true copy of the charge sheet dated-17.09.2022 with its English translation as Ex. PW23 /E.</p>
24.	Mr. Nilesh Nanabhau Sonawane, Assistant Commissioner of Police, Detection-1, Crime Branch, Thane	State of Maharashtra	i. Copy of the statement dated 04.08.2012 of Mr. Manoj Ratilal Raicha with its English translation as Ex. PW24 /B.

	City, Maharashtra. (PW24)		<p>ii. Copy of the Statement of Saquib Abdul Nachan dated 08.08.2012 with its English translation as Ex. PW24 /C.</p> <p>iii. Copy of the Mobile seizure and house search Panchanamas recorded in the said case with their respective English translations as Ex. PW24/D.</p>
25.	Statement of Mr. Kishor Vasudeo Parab, Assistant commissioner of Police, Anti Terrorism Squad, Mumbai, Maharashtra (PW25)	State of Maharashtra	<p>i. The copy of operative part of Judgment in ATS CR. No. 06 of 2010 delivered by the Bombay High Court on 17.03.2016 in CrI. A. No. 755/2013 as Ex. PW25 /B.</p> <p>ii. The copies of FSL report and C.A. Report in ATS LAC. No. 03 of 2006 as Ex. PW25/C.</p> <p>iii. The copies of Confession Statements of Accused persons along with English translation in ATS LAC. No. 03 of 2006 as Ex PW25/D.</p> <p>iv. The copy of operative part of Judgment in ATS LAC. No. 03 of 2006 delivered by the Ld. Special Judge, MCOC Act on 30.09.2015 as Ex. PW25/E.</p> <p>v. The copy of operative part of Judgment in ATS CR. No. 05 of 2006 delivered by the Ld. ASJ, Bombay on 07.02.2018 as Ex. PW25/F.</p> <p>vi. The copy of Judgment in ATS CR. No. 31 of 2011 delivered by the Ld. ASJ, Bombay on 07.02.2018 as Ex. PW25/G.</p> <p>vii. The First Information Report along with English translation of ATS CR. No. 02 of 2012 as Ex. PW25/H.</p> <p>viii. The copy of charge sheet along with English translation of ATS CR. No. 02 of 2012 as Ex. PW25/I.</p> <p>ix. The copy of supplementary charge sheet along- with English translation of ATS CR. No. 02 of 2012 as Ex. PW25/J.</p> <p>x. The First Information Report along with English translation of ATS LAC No. 04 of 2006 as Ex. PW25/K.</p> <p>xi. The Copy of Judgment in ATS LAC No. 04 of 2006 delivered by the Ld. ACMM, Mumbai on 21.10.2016 as Ex. PW25/L.</p> <p>xii. The copy of supplementary charge sheet dated 05.07.2017 along with English translation of ATS LAC No. 04 of 2006 as Ex. PW25/M.</p> <p>xiii. The copy of supplementary charge sheet dated 06.10.2018 along with English translation of ATS LAC No. 04 of 2006 as Ex. PW25/N.</p> <p>xiv. Material in a sealed envelope as Ex. PW25/O.</p>

			<p>xv. Certified copies of judgment of CR No.05/2006 as Ex. PW25/P.</p> <p>xvi. Copy of the judgment case ATS, LAC No.03/2006 as Ex. PW25/Q.</p> <p>xvii. Judgment dated 18.04.2013 of the case CR No.06/2010 delivered by the court of Ld. ASJ, Pune as Ex. PW25/R.</p> <p>xviii. Order dated 17.03.2016 of the Bombay High Court in confirmation Case no.04/2013 as Ex. PW25/S.</p> <p>xix. Certified copies of confessional statements of the accused with its translation in the case LAC No.03/2006 as Ex. PW25/T.</p> <p>xx. Certified copy of FIR No.02/2012 PS: Kala Chowki, ATS and the seizure memos prepared in the said Case, the same is Ex. PW25/U.</p> <p>xxi. Forensic reports of the exhibits of LAC No. 03/2006 the same is PW25/V.</p> <p>xxii. Confessional statements of the accused along with the final report and FIR of LAC No.04/2006 the same is Ex. PW25/W.</p>
26.	Mr. Vasant Jadhav, Deputy Commissioner, State Intelligence Department, Headquarters, Mumbai, Maharashtra. (PW26)	State of Maharashtra	Confidential intelligence report in a sealed cover as Ex. PW26/B.
27.	Mr. Pramod Abhiman Pawar, Deputy Superintendent of Police, (Home), in the office of Superintendent of Police, Jalgaon, Dist. Jalgaon, Maharashtra. (PW27)	State of Maharashtra	<p>i. The certified copy of the judgment dated 19.05.2006 passed by the Ld. 2nd Ad-hoc Addl. Sessions Judge, Jalgaon in Sessions Case No. 126/2002 as Ex. PW27/B.</p> <p>ii. The certified copy of the judgment dated 01.04.2017 passed by the Ld. District Judge-4 and Additional Sessions Judge, Jalgaon in Sessions Case No. 173/2006 as Ex. PW27/C.</p>
28.	Mr. Siraj Hajaratsaheb Inamdar, Assistant Commissioner of Police, SB-1, CID, Mumbai City, Maharashtra. (PW28)	State of Maharashtra	<p>i. The true copy of the documents along with charge sheet related to the LAC no. 1692/2001 PS - Dharavi, Mumbai as Ex. PW28/B.</p> <p>ii. The true copy of the documents along with charge sheet related to the C.R. No.152 of 2008 registered with D.C.B., CID, Mumbai city as Ex. PW28/C.</p> <p>iii. The true copy of the documents along with charge sheet related to the C.R. NO. 275/2001, PS- Kurla as Ex. PW28/D.</p> <p>iv. The true copy of the documents along with charge sheet related to LAC no. 34 of 2006 registered with DCB, CID, Mumbai and LAC no. 1106 of 2006, PS- Ghatkopar as Ex. PW28/E.</p> <p>v. The true copy of the documents along</p>

			with charge sheet related to Special Case no. 2 of 2003, Mumbai as Ex. PW28/F.
29.	Ms. Madhuri Dilip Baviskar, Assistant Commissioner of Police, Sadar Division, Nagpur City, Maharashtra. (PW29)	State of Maharashtra	<p>i. Copy of the FIR / Case Cr. No. 3182/06, Sadar Police Station, Nagpur. City and its English translation as Ex. PW29/B.</p> <p>ii. Copies of the Statements of Shakil Warsi, Mohd. Rehan Khan, Shakir Ahmed @ Guddu, Jiyaar Rehman, Waquar Beg, Mohd. Abrar Arif, Imtiyaz Ahmed, Shekh Ahmed and Farukh recorded during the investigation of these cases with their respective English translations as Ex. PW29/C.</p> <p>iii. Copy of the charge sheet filed in the above mentioned case and its English translation as Ex. PW29/D.</p>
30.	Mr. Kundlik Rambhau Hore, Range Forest Officer in Aundha Nagnath, Dist. Hingoli, Maharashtra. (PW30)	State of Maharashtra	<p>i. The copy of the Preliminary Offence Report (POR) of the case crime no. WL04/2015 and its English translation as Ex. PW30/B.</p> <p>ii. The copies of the relevant documents pertaining to the communications made for seeking the previous criminal involvement of the accused persons of the above mentioned POR and English translation of the same as Ex. PW30/C.</p> <p>iii. The copy of the charge sheet filed in the said POR case and its English translation as Ex. PW30/D.</p>
31.	Mr. Manohar Ramchandra Dabhade, Sub Divisional Police Officer, Murtijapur, Distt.- Akola, Maharashtra. (PW31)	State of Maharashtra	<p>i. Copy of the FIR No. 3065/2009 dated 19.07.2009, P.S. Murtijapur and its English translation as Ex. PW31/B.</p> <p>ii. The copy of the Statement of witnesses recorded during the investigation of this case on 22.07.2009 and 23.07.2009 with their respective English translation as Ex. PW31/C.</p> <p>iii. The Copy of the Charge sheet of FIR no. 3065/2009 in regional language as Ex. PW31/D.</p> <p>iv. The copy of the seizure memos prepared in the said case with the relevant English translation as Ex. PW31/E.</p>
32.	Mr. Maroti Dnyanoji Thorat, Sub Divisional Police Officer Basmath, Dist. Hingoli, Maharashtra. (PW32)	State of Maharashtra	<p>i. True copy of the list of the SIMI members maintained by the district police administration of Hingoli with its English translation as Ex. PW32/B.</p> <p>ii. Certified copy of the charge sheet with its English translation filed in Cr. No.117/2010 as Ex. PW32/C.</p> <p>iii. Copy of the judgment dated 16.03.2018 delivered in Regular Criminal case no. 149/10 by the learned JMFC, Aundha Court with its English translation as Ex. PW32/D.</p> <p>iv. Copy of the judgment dated 15.09.2023</p>

			delivered in CrI. Appeal No. 10/2018 by the learned District Judge-2 and Additional Sessions Judge, Basmath, District-Hingoli as Ex. PW32/E.
33.	Mr. Vipin Kumar , Deputy Superintendent of Police, National Investigation Agency, New Delhi. (PW33)	NIA	<p>i. True copy of the FIR No. RC-31/2022/NIA/DLI along with MHA order No. 11011/63/2022/NIA as Ex. PW33/B.</p> <p>ii. True Copies of the Seizure List marked as D-51 in the chargesheet of the FIR No. RC 31/2022/NIA/DLI as Ex. PW33/C.</p> <p>iii. True copy of the document named '<i>India 2047 Towards Rule of Islam in India</i>' and marked as D-52 with the chargesheet as Ex. PW33/D.</p> <p>iv. True copy of the Seizure list marked as D-56 in the chargesheet as Ex. PW33/E-.</p> <p>v. True copy of the first chargesheet filed in the above-mentioned case as Ex. PW33/F.</p> <p>vi. True copy of the Seizure list marked as D-357 in the Supplementary chargesheet as Ex. PW33/G.</p> <p>vii. True copy of the 3rd Supplementary chargesheet filed in the abovementioned case as Ex. PW33/H.</p> <p>viii. Material in sealed cover.</p>
34.	Mr. Ankur Sharma, Assistant Director, Enforcement Directorate, STF-HQ, New Delhi. (PW34)	Enforcement Directorate (ED)	i. True copy of the Chargesheet of NIA in the predicate offence FIR No. RC-14/2022/NIA/DLI dated 13.04.2022 as Ex. PW-34 /B.
35.	Mr. Shriram Meena, Assistant Director, Enforcement Directorate, Raipur Zonal Office, Raipur(PW35)	Enforcement Directorate (ED)	<p>i. True copy of the ECIR/RPSZO/01/2014 dated 24/01/2014 recorded by the Enforcement Directorate, Raipur as Ex. PW35/B.</p> <p>ii. True copy of the FIR No. 567/2013 dated 25.12.2013 registered by the Khamtarai Police Station, Raipur, Chhattisgarh as Ex. PW35/C.</p> <p>iii. True copy of the chargesheet/final report bearing no. 156/2014 dated 19.06.2014 filed by Khamtarai Police Station, Raipur, Chhattisgarh as Ex. PW 35/D.</p> <p>iv. True copy of the statement of bank account No. 134801500942 of Dheeraj Sao with ICICI Bank, Raipur as Ex. PW35/E.</p> <p>v. True copy of the statement of bank account No. 197601500550 of Dheeraj Sao with ICICI Bank, Jamui, Bihar as Ex. PW35/F.</p> <p>vi. True copy of the statement of bank account No. 001405500087 with ICICI Bank, Mangalore, Karnataka in the name of Zubair Hussain as Ex. PW35/G.</p> <p>vii. True copy of the statement of bank account No.001405500086 with ICICI</p>

			<p>Bank Mangalore, Karnataka in the name of Aysha Banu as Ex PW35/H.</p> <p>viii. True copy of the charge sheet no. 11/2014 dated 03.02.2014 in FIR No. 454/2013 dated 07.11.2013 of Kawaiya Thana, Lakhisarai, Bihar against Zubair Flussain, Aysha Banu and others as Ex. PW35/L.</p> <p>ix. True copy of confirmation order of Adjudicating Authority dated 22.01.2018 in Original Complaint no. 849/2017 filed by Enforcement Directorate for confirmation of provisional attachment order bearing no.05/2017 dated 13.10.2017 issued u/s 5(1) of PMLA, 2002 attaching properties worth Rs. 2,81,156 belonging to the accused Aysha Banu and others as Ex. PW35/J.</p> <p>x. True copy of Prosecution Complaint dated 30.06.2018 filed by Enforcement Directorate against Dheeraj Sao, Avinash Ranjan, Shrawan Mandal, Pappu Mandal, Raju Khan, Aysha Banu, Zubair Hussain and Khalid before Special Court (PMLA) Raipur as Ex. PW35/K.</p> <p>xi. True copy of order dated 08.11.2019 passed by the Special Court (PMLA) taking cognizance of the PMLA case as Ex. PW35/L.</p> <p>xii. True copy of Judgment/order dated 24.11.2021 passed by the Special Court in Special Session Trial case No 01/2020 of State Police case as Ex. PW35/M.</p> <p>xiii. Copy of charge framing order dated 08.09.2023 passed by the Special Court (PMLA), Raipur as Ex.35/N.</p>
36	Ms. Susheela R., Deputy Superintendent of Police, National Investigation Agency, Bengaluru, Karnataka. (PW36)	NIA	<p>i. True Copy of the FIR No. RC-28/2023/NIA/DLI and MHA order F.No. 11011/83/2023/NIA as Ex. PW36/B.</p> <p>ii. True Copy of the Chargesheet No. 01/2024 filed in the said case as Ex. PW 36/C.</p> <p>iii. True Copy of the Seizure/Recovery Memo of seized articles (07 pistols, 45 live rounds, one magazine, 02 walkie-talkies and other digital gadgets) as Ex. PW 36/D.</p> <p>iv. Copy of the Arrest Memos of accused Syed Suhail Khan (A-3), Mohammed Umar (A-4), Zahid Tabrez (A-5), Syed Mudassir Pasha (A-6) and Mohammed Faisal Rabbani (A-7) as Ex. PW 36/E.</p> <p>v. Copy of the Seizure/Recovery Memo of seized articles {voice samples of accused T. Naseer (A-1), Mohammed Umar (A-4), Zahid Tabrez (A- 5), Syed Mudassir Pasha (A-6) and Mohammed Faisal Rabbani (A-</p>

			<p>7)} along with relevant evidence showing sample sent to SFSL as Ex. PW 36/F.</p> <p>vi. Copy of the Seizure/Recovery Memo of seized articles (remnants of hand-grenades) along with relevant evidence showing sample sent to SFSL as Ex. PW 36/G.</p> <p>vii. Copy of the Seizure/Recovery Memo of seized articles (mobile phones of accused persons) along with relevant evidence showing sample sent to SFSL as Ex. PW 36/H.</p> <p>viii. Copy of examination report no. FSL/FLMS/PS/193 & 213/2023 dated 14.09.2023 of digital devices of accused persons as Ex. PW 36/I.</p> <p>ix. Copy of Examination Report No. FSL/FLMS/FAS/134/2023 dated 19.09.2023 provided by SFSL, Madiwala of the seized arms and ammunitions as Ex. PW 36/J.</p> <p>x. Copy of the FIR No. RC-04/2020/NIA/DLI and the MHA order No.11011/11/2020/NIA as Ex. PW 36/K.</p> <p>xi. Copy of the Supplementary chargesheet No. 16/2020 dated 03.09.2021 as Ex. PW 36/L.</p> <p>xii. Copy of the statement of Protected witness 'x' as Ex. PW 36/M.</p> <p>xiii. Copy of seizure memo as Ex. PW 36/N.</p> <p>xiv. The copy of the statement of Kadar Baba as Ex. PW 36/O.</p> <p>xv. Copy of the statement of S. M. Umar as Ex. PW 36/P.</p>
37	Mr. Wanenlo Woch, Addl. Superintendent of Police, National Investigation Agency, Kolkata, West Bengal.(PW37)	NIA	<p>i. True Copy of FIR no. 01/2023 dated 06.01.2023, STF PS, Kolkata Police as Ex. PW37/B.</p> <p>ii. True copy of the seizure list of the articles recovered from the possession of the arrested accused Abdul Rakib Qureshi as Ex. PW37/C.</p> <p>iii. True copy of the FIR no. RC-01/2023/NIA/DLI along with the MHA order No. 11011/20/2023/NIA dated 06.02.2023 as Ex. PW37/D.</p> <p>iv. True Copy of the extracted data along with the expert opinion in respect of the mobile phone seized from the accused Abdul Rakib Qureshi (A-3 in the aforesaid case) as Ex. PW37/E.</p> <p>v. True copy of the chargesheet dated 04.07.2023 of the above mentioned case filed in the Court of the learned NIA</p>

			Special Judge, Kolkata as Ex. PW37/F.
38	Mr. T. V. Rajesh, Deputy Superintendent of Police, National Investigation Agency, Hyderabad. (PW38)	NIA-Hyderabad	<p>i. True Copy of order dated 22.04.2024 of the Ministry of Home Affairs as Ex. PW38/B.</p> <p>ii. True copy of case crime No. RC-14/2022/NIA/DLI dated 13.04.2022 lodged in the P.S- NIA, New Delhi as Ex. PW38/C.</p> <p>iii. True copy of charge sheet No. 12/2023 dated 18.03.2023 of RC-14/2022/NIA/DLI as Ex. PW38/D.</p> <p>iv. True copy of the protected document titled “<i>India 2047: Towards Rule of Islam in India</i>” as Ex. PW38/E.</p> <p>v. True Copy of the Arrest Memos of E. M. Abdul Rehman (A-2), E. Abubacker (A-6), Prof. P Koya (A-7), Abdul Wahid Sait (A-9) and A. S. Ismail (A-10) as Ex. PW38/F.</p> <p>vi. True Copy of confessional statement under Section 164 Cr.P.C. of Adv Mohd. Yusuf (A-11) as Ex. PW38/G.</p> <p>vii. True copy of Forensic analysis report of CERT-IN, New Delhi as Ex. PW38/H.</p> <p>viii. True Copy of the Details of Bank receipts pertaining to PFI's Syndicate Bank A/c No xxxxxxxxxx865 and Canara Bank A/c No. xxxxxxxxxx004 as Ex. PW38/I.</p>
39	Mr. Rajesh Kumar Gupta, Director (CT) in the Government of India, Ministry of Home Affairs, New Delhi. (PW39)	Ministry of Home Affairs, Government of India	<p>i. Copy of the notification dated 29th January, 2024 bearing No. S. O. 354(E) published in the Gazette as Ex. PW39/B.</p> <p>ii. Copy of the background note submitted before the Unlawful Activities Prevention Tribunal along with the reference letter dated 26.02.2024 Ex. PW39/C.</p> <p>iii. Copies of previous notifications publishing the orders of the Tribunals confirming the previous bans imposed on SIMI as Ex. PW39/D.</p> <p>iv. Copy of the Orders dated 06.08.2008, 25.08.2008 and 11.09.2008 of the Supreme Court of India passed in SLP(C) No. 19845 of 2008 as Ex. PW39/E.</p> <p>v. Three sealed covers containing concerned files and confidential/privileged documents as Ex. PW39/F.</p>

7.2 It is also relevant to highlight that for the documents filed in sealed 2 covers by the witnesses namely, Mr. Pranay S. Nagvanshi, Mr. Harsh Upadhyay, Mr. Kishor Vasudeo Parab, Mr. Vasnat Jadhav, Mr. Vipin Kumar and Mr. Rajesh Kumar Gupta in their evidence for the perusal of the Tribunal, the Central Government is claiming privilege under Section 123 of Indian Evidence Act read with Rule 3(2) and proviso to Rule 5 of Unlawful Activities (Prevention) Rules, 1968.

7.3 Except the aforesaid, no other witness has appeared before the Tribunal either in support of or against the notification dated 29.01.2024.

VIII. EVIDENCE ON BEHALF OF THE UNLAWFUL ASSOCIATION OR ANYONE ELSE AGAINST THE NOTIFICATION DATED 29.01.2024:

Despite been given reasonable opportunity, no person has appeared before this Tribunal either to cross-examine the witnesses mentioned in the Point no. VII herein above or to lead evidence on behalf of the unlawful association.

IX. ARGUMENTS:

- 9.1 Ms. Aishwarya Bhati, the learned Additional Solicitor General (ASG) for the Union of India, has advanced extensive arguments in support of the Notification dated 29.01.2024 before the Tribunal.
- 9.2 The learned ASG, has argued that the claim of privilege for producing documents in sealed covers, has got statutory and judicial sanction. She has referred to Section 123 of the Indian Evidence Act read with Section 3(2) of the UAP Rules, which are reproduced as under:-

Indian Evidence Act, 1872

“123. Evidence as to affairs of State – No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.”

The Unlawful Activities (Prevention) Rules, 1968

“3. Tribunal and District Judge to follow rules of evidence.-

(1) In holding an inquiry under sub-section (3) of section 4 or disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8, the Tribunal or the District Judge, as the case may be, shall, subject to the provisions of sub-rule (2), follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872 (1 of 1872).

(2) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), where any books of account or other documents have been produced before the Tribunal or the Court of the District Judge by the Central Government and such books of account or other documents are claimed by that Government to be of a confidential nature then, the Tribunal or the Court of the District Judge, as the case may be, shall not,-

(a) Make such books of account or other documents a part of the records of the proceedings before it; or

(b) Allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it.”

“5. Documents which should accompany a reference to the Tribunal - Every reference made to the Tribunal under sub-section (1) of Section 4 shall be accompanied by-

(i) a copy of the notification made under sub-section (1) of Section 3, and

(ii) all the facts on which the grounds specified in the said notification are based:

Provided that nothing in this rule shall require the Central Government to disclose any fact to the Tribunal which that Government considers against the public interest to disclose.”

- 9.3 The learned ASG argued that the Union of India has claimed privilege over certain documents, emphasizing that their non-disclosure serves public interest. She pointed out that this principle of public interest is relevant even in criminal proceedings against the accused. However, in this case, the matter is of even greater importance as it concerns the sovereignty and integrity of the country.
- 9.4 The learned ASG maintained that in issues involving national security, sovereignty, and integrity, the Tribunal must interpret and analyze the material with a different perspective. The decisions made by the Central Government in such matters rely on highly sensitive information and inputs, and their impact extends beyond national boundaries. In the current context of rising terrorist activities and national insurgency, global boundaries have become less significant. Therefore, the ASG submitted that maintaining the confidentiality of these documents is essential for safeguarding national security and the public interest.

- 9.5 To support her arguments, learned ASG has relied upon the judgment in a case of preventive detention in **Raj Kumar Singh vs. State of Bihar** (1986) 4 SCC 407; where the Supreme Court of India, *inter alia*, held as under:-

“The executive authority is not the sole judge of what is required for national security or public order. But the court cannot substitute its decision if the executive authority or the appropriate authority acts on proper materials and reasonably and rationally comes to that conclusion even though a conclusion with which the court might not be in agreement. It is not for the court to put itself in the position of the detaining authority and to satisfy itself that untested facts reveal a path of crime provided these facts are relevant. See in this connection the observations of O. Chinnappa Reddy, J. in Vijay Narain Singh case [(1984) 3 SCC 14: 1984 SCC (Cri) 361: AIR 1984 SC 1334: (1984) 3 SCR 435] at p. 440 and 441. (SCC p. 19, para 1) 346. Similarly, in the case of Union of India vs. Rajasthan High Court, (2017) 2 SCC 599: 2016 SCC Online SC 1468.. It was not for the court in the exercise of its power of judicial review to suggest a policy which it considered fit. The formulation of suggestions by the High Court for framing a National Security Policy travelled far beyond legitimate domain of judicial review. Formulation of such a policy is based on information and inputs which are not available to the court. The court is not an expert in such matters. Judicial review is concerned with the legality of executive action and the court can interfere only where there is a breach of law or a violation of the Constitution.”

- 9.6 The learned ASG has also placed reliance upon the judgment in **Ex-Armymen's Protection Services (P) Ltd. v. Union of India**, (2014) 5 SCC 409, wherein it has been *inter alia* held as under:

“15. It is difficult to define in exact terms as to what is “national security”. However, the same would generally include socio-political stability, territorial integrity, economic solidarity and strength, ecological balance, cultural cohesiveness, external peace, etc.

16. What is in the interest of national security is not a question of law. It is a matter of policy. It is not for the court to decide whether something is in the interest of the State or not. It should be left to the executive.”

- 9.7 The learned ASG submitted that the UAPA and the Rules framed thereunder provide for a mechanism to claim privilege and withhold certain facts/documents to seek non-disclosure of the same. The learned ASG then placed reliance on the judgment in **Jamaat-e-Islami Hind v. Union of India** (1995) 1 SCC 428, wherein the Supreme Court has held as under:-

“20. ...the proviso to sub-section (2) of Section 3 of the Act itself permits the Central Government to withhold the disclosure of acts which it considers to be against the public interest to disclose. Similarly, Rule 3(2) and the proviso to Rule 5 of the Unlawful Activities (Prevention) Rules, 1968 also permit non disclosure of confidential documents and information which the Government considers to be against the public interest to disclose”

22. It is obvious that the unlawful activities of an association may quite often be clandestine in nature and, therefore, the source of evidence of the unlawful activities may require continued confidentiality in public interest. In such a situation, disclosure of the source of such information, and, may be, also full particulars thereof, is likely to be against the public interest. The scheme of the Act and the procedure for inquiry indicated by the Rules framed thereunder provide for maintenance of confidentiality, whenever required in public interest. However, the non-disclosure of sensitive information and evidence to the association and its office-bearers, whenever justified in public interest, does not necessarily imply its non-disclosure to the Tribunal as well. In such cases where the Tribunal is satisfied that non-disclosure of such information to the association or its office-bearers is in public interest, it may permit its non-disclosure to the association or its office-bearers, but in order to perform its task of adjudication as required by the Act, the Tribunal can look into the same for the purpose of assessing the credibility of the information and satisfying itself that it can safely act on the same. In such a situation, the Tribunal can devise a suitable procedure whereby it can itself examine and test the credibility of such material before it decides to accept the same for determining the existence of sufficient cause for declaring the association to be unlawful. The materials need not be confined only to legal evidence in the strict sense. Such a procedure would ensure that the decision of the Tribunal is an adjudication made on the points in controversy after assessing the credibility of the material it has chosen to accept, without abdicating its function by merely acting on the ipse dixit of the Central Government. Such a course would satisfy the minimum requirement of natural justice tailored to suit the circumstances of each case, while protecting the rights of the association and its members, without jeopardising the public interest. This would also ensure that the process of

adjudication is not denuded of its content and the decision ultimately rendered by the Tribunal is reached by it on all points in controversy after adjudication and not by mere acceptance of the opinion already formed by the Central Government.

24. *In Paul Ivan Birzon v. Edward S. King [469 F 2d 1241, 1244-45 (1972)] placing reliance on Morrissey [408 US 471 : 33 L Ed 2d 484 (1972)] , while dealing with a similar situation, when confidential information had to be acted on, it was indicated that the credibility issue could be resolved by the Board retaining confidentiality of the information but assessing the credibility itself, and a modified procedure was indicated as under:*

“... the board was required to decide whether it would believe the informants or the parolee and his witnesses. The infirmity that we see in the hearing and determination by the parole board is that it resolved the credibility issue solely on the basis of the State report, without itself taking the statements from the informants. Thus the board had no way of knowing how reliable the informants were and had no real basis on which to resolve the credibility issue against the parolee.... We do not mean to intimate that the board should have taken testimony from the informants at the hearing and given the parolee the opportunity to cross-examine. What we do mean is that the board should have received the information directly from the informants (although not necessarily in the presence of the parolee), instead of relying solely on the State report. The board could then have reached its own conclusions about the relative reliability of the informants' statements and those of the parolee and his witnesses.

Similarly, the board could then have made its own decision about how realistic were the claims of potential danger to the informants or to State parole officers if their identity was disclosed, instead of placing exclusive reliance on the State report. Thus, we hold that, in relying exclusively on the written synopsis in the State report, which was the only evidence of a parole violation, in the face of the parolee's denial and his presentation of the testimony of other witnesses, the revocation of Satz's parole was fundamentally unfair to him and was a denial of due process of law.”

25. *Such a modified procedure while ensuring confidentiality of such information and its source, in public interest, also enables the adjudicating authority to test the credibility of the confidential information for the purpose of deciding whether it has to be preferred to the conflicting evidence of the other side. This modified procedure satisfies the minimum requirements of natural justice and also retains the basic element of an adjudicatory process which involves objective determination of the factual basis of the action taken.”*

- 9.8 It is submitted that a perusal of the aforesaid judgment which has interpreted the provisions of UAPA manifest that there is neither any form nor content for claiming privilege. The said judgment instead provides for a modified procedure and holds that in cases of privilege the Tribunal has to itself look into the content and satisfy itself that that non-disclosure of such information to the association or its office bearers is in public interest. The said judgment further mandates that for this purpose the “Tribunal can devise a suitable procedure whereby it can itself examine and test the credibility of such material before it decides to accept the same for determining the existence of sufficient cause for declaring the association to be unlawful.”
- 9.9. The learned ASG, thus, submitted that from the judicial precedents mentioned above, it is clear that an enquiry contemplated under the UAPA gives a right to the government to claim privilege of sensitive documents in public interest/national interest and in the interest of justice; which right has been duly upheld by the Supreme Court; and that in the present case, the documents for which claim of privilege is made, by their very nature, are confidential and sensitive in nature and, therefore, cannot be supplied as a public document.
- 9.10. The learned ASG further submitted that the documents in question are part of the evidence collected by intelligence agencies concerning the secessionist and unlawful activities of SIMI and its associates. These documents are confidential and secret, and their verification is within the purview of the Tribunal only. The ASG elaborated that the material submitted in the sealed cover by the Central Government comprises intelligence reports, secret information gathered over time by investigative and intelligence agencies, communications between these agencies, and information that could lead to further recoveries, discovery of facts, and the exposure of conspiracies. Revealing such information would be detrimental to public interest and national security.

Additionally, the learned ASG emphasised that the material includes notes presented to the Cabinet Committee on Security, supporting documents, the grounds for the notification issued, intelligence inputs, and related correspondence. Thus, the Central Government's claim of privilege over these documents is

justified by law, and the documents submitted in the sealed cover should remain undisclosed in the public interest.

- 9.11 The learned ASG argued that the claim of confidentiality must be evaluated based on the document's nature. If it is objectively determined that disclosing the document would harm public interest, then its contents should not be revealed to the opposing party. Therefore, the foundation of immunity from non-disclosure is the character of the document, and the Tribunal must balance public interest against the interests of the individual, office bearer, or association that has been banned.

The learned ASG further explained that the statement of objects and reasons for the UAPA emphasizes its purpose i.e. to more effectively prevent certain unlawful activities by individuals and associations and address related matters. She stated that the statute grants Parliament the authority to impose reasonable restrictions, through due process of law, on the right to form associations in the interest of India's sovereignty and integrity, and by extension, on the freedoms of speech, expression, and peaceful assembly. As a special statute, the UAPA's procedures take precedence over general legal provisions. The learned ASG also highlighted that Section 48 of the UAPA asserts that the Act's provisions and the rules made under it will override any inconsistent enactments or instruments, thereby clearly establishing its supreme authority.

- 9.12 The learned ASG also submitted that the decision of the previous Tribunals constituted under Section 4 of the UAPA, in which the claim of privilege by the Central Government had been allowed holding that the same satisfied the requirement of Section 123 of the Evidence Act, are binding on this Tribunal in view of the provisions of Section 5(7) of the UAPA which provide that the proceedings before this Tribunal are judicial proceedings.

- 9.13 In view of the aforesaid position, the learned ASG submitted that the Central Government claims privilege on the documents contained in the sealed covers and produced during the inquiry before this Tribunal by various witnesses.

- 9.14 The learned ASG further submitted that the exception to the freedom of speech and expression, and to form associations and union, under Article 19(1) of the Constitution of India, was inserted in the form of "sovereignty and integrity of India" in Article 19(2) and 19(4), after the National Integration Council appointed a Committee on National Integration and Regionalization. The said Committee was formed to look into the aspect of putting reasonable restrictions in the interests of the sovereignty and integrity of India. Learned ASG submitted that pursuant to the acceptance of recommendations of the Committee, the Constitution (Sixteenth Amendment) Act, 1963 was enacted to impose reasonable restrictions in the interests of the sovereignty and integrity of India. Further, in order to implement the provisions of the 1963 Act, the Unlawful Activities (Prevention) Bill was introduced in the Parliament. The main objective of the UAPA is to make powers available for dealing with activities directed against the integrity and sovereignty of India.

- 9.15 Learned ASG submitted that after the independence of India, the Parliament has passed many laws to regulate national security and in order to protect the sovereignty of India. The UAPA is an Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and for dealing with terrorist activities and other matters connected therewith. Learned ASG submitted that the present Act is the Central Act and has been amended time and again to tackle the menace of terrorism and terrorist activities from India.

- 9.16 The learned ASG further submitted that to achieve the aforesaid purpose of tackling the menace of activities inimical to the sovereignty and integrity of India, the legislature in its wisdom decided to create two species of the offence in the UAPA i.e.

- i. Unlawful Activity & Unlawful Association [S-2(o) and 2(p) r/w Chapters II & III (Sections 3-14)]; and
- ii. Terrorist Act & Terrorist Organization [S-2(k), (l) (m) r/w Chapter IV-VI (Sections 15-40)].

- 9.17 The learned ASG further argued that the growing threat of terrorism, which posed an immediate danger to the lives of Indian citizens and the security of the State, necessitated the enactment of special deterrent laws over time. The ASG noted that the repeal of the Prevention of Terrorist Activities Act, 2002, left a gap in the legal framework to address terrorism. Consequently, the UAPA was amended to include a definition of 'terrorism' and to grant substantive powers to the Indian State to combat it. These amendments also considered India's commitments under the Security Council Resolution of 28th September, 2001, which called for fighting both terrorism and terror funding, treating the latter as a form of terrorism. The amendments were part of the global effort to combat terrorism.

- 9.18 In light of the aforementioned points, the learned ASG asserted that the provisions of the UAPA were enacted by Parliament, which had the legislative competence to do so. Once it is established that the Parliament had the authority to enact the law, there is a presumption of the statute's constitutionality. The

ASG further argued that statutes are presumed to be constitutionally valid, and it is assumed that the Legislature understands the needs of the people. Additionally, the ASG stated that an organization can be banned solely based on the Central Government's opinion. Consequently, the challenge to Chapter II of the UAPA has already been dismissed by the Supreme Court in paragraphs 84-92 of **Arup Bhuyan v. State of Assam** (2023) 8 SCC 745. In paragraph 90 of this judgment, the Supreme Court held as under:-

“90. Thus from the aforesaid it can be seen that before any organization is declared unlawful a detailed procedure is required to be followed including the wide publicity and even the right to a member of such association to represent before the Tribunal. As observed hereinabove the notification issued by the Central Government declaring a particular association unlawful, the same is subject to inquiry and approval by the Tribunal as per Section 4. Once that is done and despite that a person who is a member of such unlawful association continues to be a member of such unlawful association then he has to face the consequences and is subjected to the penal provisions as provided under Section 10 more particularly Section 10(a)(i) of the UAPA, 1967.”

- 9.19 The learned ASG argued that the proceedings before this Tribunal are similar to civil proceedings, with the standard of proof as prescribed by the Supreme Court in *Jamaat-e-Islami Hind* (supra). The decision must be based on objectively evaluating which version is more credible and acceptable. The ASG referenced the observation in paragraph 30 of *Jamaat-e-Islami Hind* (supra). Additionally, the ASG noted that the procedures for Tribunals can be derived from the Administrative Tribunals Act, 1985. Similarly, the Tribunal under the UAPA has specific powers and procedures outlined in Section 5, read with Section 9 of the Act.
- 9.20 The ASG submitted that, under Section 4 of the UAPA, the Tribunal's jurisdiction is to determine whether the Central Government has sufficient cause to ban the organization in question. Any procedural irregularities or defects in the material presented before this Tribunal should be evaluated by the relevant trial court under the Indian Evidence Act, 1872, and other applicable laws. The Tribunal's role is to decide whether these documents can be relied upon to establish 'sufficiency of cause' and whether law enforcement agencies could reasonably ignore them when recommending action under the UAPA.
- 9.21 For assessing the sufficiency of the cause, the Tribunal must consider all materials and incidents holistically. If these materials or incidents are related to unlawful activities, secession, or 'cession of a part of the territory of India,' based on the preponderance of probabilities, then the ban is justified and should be confirmed. The ASG asserted that the Central Government has provided sufficient and compelling evidence to show that SIMI and its associates were engaged in unlawful activities. The law does not require that the cases forming the basis of the Central Government's opinion be recent or numerous; even one case can suffice. The ASG also stated that delays in investigation are irrelevant to these proceedings, as the evidence standard here is based on the preponderance of probabilities.
- 9.22 Despite several FIRs against SIMI, its members, activists, and sympathizers continue to engage in unlawful activities defined under the UAPA, posing serious threats to India's sovereignty, integrity, peace, communal harmony, internal security, and secular fabric. If SIMI is not banned again, its activists and sympathizers will continue to pose significant threats to communal harmony, internal security, and national integrity.
- 9.23 Lastly, the ASG stated that the Central Government's notification No. S.O. 354(E), dated 29th January, 2024 declaring SIMI as an unlawful association, is based on information and materials from various states, the National Investigation Agency, the Directorate of Enforcement, and other intelligence agencies. Therefore, the notification is justified and should be confirmed.

X. CLAIM OF PRIVILEGE

- 10.1 The learned ASG contends that the Government is entitled to claim privilege over certain documents, the disclosure of which would affect public interest as provided in the UAPA and its Rules. Rule 3, sub-Rule (2) of the UAP Rules specifies that if the Government claims that certain books of accounts or other documents are of a confidential nature, the Tribunal or court shall not include these books or documents in the proceedings' records nor allow their inspection. Furthermore, Rule 5 allows the Central Government to withhold any information from the Tribunal if it considers the disclosure to be against public interest.

The ASG argued that the Supreme Court in *Jamaat* (supra) addressed the issue of claiming privilege, stating that the requirements of natural justice in such cases must be adjusted to safeguard public interest, which always outweighs lesser interests. Therefore, while the Central Government must disclose all information and evidence relied upon to support the declaration to the association, it may withhold any information that it deems contrary to the public interest to disclose.

- 10.2 The issue of claiming privilege by the Central Government on the documents disclosure whereof is injurious to public interest is inbuilt in the UAPA and the rules framed thereunder as provided in Rule 3 and 5 of the

UAP Rules reproduced earlier. Sub-Rule (2) of Rule 3 of the UAP Rules starts with a non-obstante clause providing that notwithstanding anything contained in the Indian Evidence Act, 1872 books of account or other documents produced by the Central Government and claimed to be of a confidential nature, the Tribunal shall not make such books of account or documents a part of the records of the proceedings before it or allow inspection of, or grant a copy of, the whole of or any extract from, such books of account or other documents by or to any person other than a party to the proceedings before it. Rule 5 which provides for the copy of notification and all facts on which the grounds specified in the said notification are based, further provides that nothing in the Rule shall require the Central Government to disclose any fact to the Tribunal which it considers against public interest to disclose.

- 10.3 The provisions under UAPA and the rules made thereunder forbidding disclosure were deliberated by the Supreme Court in *Jamaat* (supra) and it was held:

“20. As earlier mentioned, the requirement of specifying the grounds together with the disclosure of the facts on which they are based and an adjudication of the existence of sufficient cause for declaring the association to be unlawful in the form of decision after considering the cause, if any, shown by the association in response to the show cause notice issued to it, are all consistent only with an objective determination of the points in controversy in a judicial scrutiny conducted by a Tribunal constituted by a sitting High Court Judge, which distinguishes the scheme under this Act with the requirement under the preventive detention laws to justify the anticipatory action of preventive detention based on suspicion reached by a process of subjective satisfaction. The scheme under this Act requiring adjudication of the controversy in this manner makes it implicit that the minimum requirement of natural justice must be satisfied, to make the adjudication meaningful. No doubt, the requirement of natural justice in a case of this kind must be tailored to safeguard public interest which must always outweigh every lesser interest. This is also evident from the fact that the proviso to sub-section (2) of Section 3 of the Act itself permits the Central Government to withhold the disclosure of facts which it considers to be against the public interest to disclose. Similarly, Rule 3(2) and the proviso to Rule 5 of the Unlawful Activities (Prevention) Rules, 1968 also permit nondisclosure of confidential documents and information which the Government considers against the public interest to disclose. Thus, subject to the non-disclosure of information which the Central Government considers to be against the public interest to disclose, all information and evidence relied on by the Central Government to support the declaration made by it of an association to be unlawful, has to be disclosed to the association to enable it to show cause against the same. Rule 3 also indicates that as far as practicable the rules of evidence laid down in the Indian Evidence Act, 1872 must be followed. A departure has to be made only when the public interest so requires. Thus, subject to the requirement of public interest which must undoubtedly outweigh the interest of the association and its members, the ordinary rules of evidence and requirement of natural justice must be followed by the Tribunal in making the adjudication under the Act.

22. It is obvious that the unlawful activities of an association may quite often be clandestine in nature and, therefore, the source of evidence of the unlawful activities may require continued confidentiality in public interest. In such a situation, disclosure of the source of such information, and, may be, also full particulars thereof, is likely to be against the public interest. The scheme of the Act and the procedure for inquiry indicated by the Rules framed thereunder provide for maintenance of confidentiality, whenever required in public interest. However, the non-disclosure of sensitive information and evidence to the association and its office bearers, whenever justified in public interest, does not necessarily imply its non-disclosure to the Tribunal as well. In such cases where the Tribunal is satisfied that non-disclosure of such information to the association or its office bearers is in public interest, it may permit its non-disclosure to the association or its office bearers, but in order to perform its task of adjudication as required by the Act, the Tribunal can look into the same for the purpose of assessing the credibility of the information and satisfying itself that it can safely act on the same. In such a situation, the Tribunal can devise a suitable procedure whereby it can itself examine and test the credibility of such material before it decides to accept the same for determining the existence of sufficient cause for declaring the association to be unlawful. The materials need not be confined only to legal evidence in the strict sense. Such a procedure would ensure that the decision of the Tribunal is an adjudication made on the points in controversy after assessing the credibility of the material it has chosen to accept, without abdicating its function by merely acting on the ipse dixit of the Central Government. Such a course would satisfy the minimum requirement of natural justice tailored to suit the circumstances of each case, while protecting the rights of the association and its members. 'without jeopardising the public interest. This would also ensure that the process of

adjudication is not denuded of its content anti the decision ultimately rendered by the Tribunal is reached by it on all points in controversy after adjudication and not by mere acceptance of the opinion already formed by the Central Government.

27. It follows that, ordinarily, the material on which the Tribunal can place reliance for deciding the existence of sufficient cause to support the declaration, must be of the kind which is capable of judicial scrutiny. In this context, the claim of privilege on the ground of public interest by the Central Government would be permissible and the Tribunal is empowered to devise a procedure by which it can satisfy itself of the credibility of the material without disclosing the same to the association, when public interest so requires. The requirements of natural justice can be suitably modified by the Tribunal to examine the material itself in the manner it considers appropriate, to assess its credibility without disclosing the same to the association. This modified procedure would satisfy the minimum requirement of natural justice and judicial scrutiny. The decision would then be that of the Tribunal itself."

[Emphasis supplied]

- 10.4 Relevant provision under the Indian Evidence Act permitting the State to claim privilege is Section 123 which reads as under:

"123. Evidence as to affairs of State.—No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit."

- 10.5 Referring to Section 123 of the Indian Evidence Act which permits the Government to claim privilege in regard to the documents relating to the affairs of the State, disclosure whereof is injurious to public interest, the Supreme Court in **S. P. Gupta v. Union of India**, 1981 Supp SCC 87 held that while granting privilege two questions fall for determination of the Court, namely (1) whether the document relates to the affairs of the State and (2) whether its disclosure would, in the particular case before the Court, be injurious to public interest. The Court in reaching its decision on these two questions has to balance two competing aspects of public interest, because the document being one relating to the affairs of the State, its disclosure would cause some injury to the interest of the State or the proper functioning of the public service and on the other hand if it is not disclosed, the non-disclosure would thwart the administration of justice by keeping back from the Court a material document. Thus, the Court has to decide which aspect of the public interest pre-dominates or in the other words whether the public interest which requires that the document should not be produced outweighs the public interest that a Court of justice in performing its functions should not be denied access to relevant evidence. It was held by the Supreme Court as under:

"73. We have already pointed out that whenever an objection to the disclosure of a document under Section 123 is raised, two questions fall for the determination of the court, namely, whether the document relates to affairs of State and whether its disclosure would, in the particular case before the court, be injurious to public interest. The court in reaching its decision on these two questions has to balance two competing aspects of public interest, because the document being one relating to affairs of State, its disclosure would cause some injury to the interest of the State or the proper functioning of the public service and on the other hand if it is not disclosed, the nondisclosure would thwart the administration of justice by keeping back from the court a material document. There are two aspects of public interest clashing with each other out of which the court has to decide which predominates. The approach to this problem is admirably set out in a passage from the judgment of Lord Reid in Conway v. Rimmer:

"It is universally recognised that there are two kinds of public interest which may clash. There is the public interest that harm shall not be done to the nation or the public service by disclosure of certain documents, and there is the public interest that the administration of justice shall not be frustrated by the withholding of documents which must be produced if justice is to be done. There are many cases where the nature of the injury which would or might be done to the nation or the public service is of so grave a character that no other interest, public or private, can be allowed to prevail over it. With regard to such cases it would be proper to say, as Lord Simon did, that to order production of the document in question would put the interest of the State in jeopardy. But there are many other cases where the possible injury to the public service is much less and there one would think that it would be proper to balance the public interests involved."

Furthermore, the strict requirements for claiming privilege as noted in S.P. Gupta (supra) must be interpreted in the context of the UAPA and its Rules, which stipulate that documents whose disclosure may not be in the public interest should not be disclosed. As previously mentioned, the Rule begins with a non-obstante clause, establishing an inbuilt mechanism within the UAPA and its Rules. The Tribunal is mandated to grant privilege and forbid disclosure when the Government claims that such disclosure would be against public interest, and upon review, the Tribunal also determines that public interest outweighs the interests of the association, its members, or office bearers.

- 10.6 In other words, the claim of confidentiality must be assessed based on the nature of the document. If it is objectively determined that the document's disclosure would harm public interest, then its contents cannot be disclosed to the other side. Therefore, the foundation for immunity from non-disclosure is rooted in the document's character, and the Tribunal must balance public interest against the interests of the individual, office bearer, or banned association.
- 10.7 Furthermore, the statement of objects and reasons for the UAPA emphasizes that the enactment's purpose is to more effectively prevent certain unlawful activities by individuals and associations and address related matters. The statute empowers Parliament to impose reasonable restrictions, through due process of law, on the right to form associations in the interest of India's sovereignty and integrity, and by extension, restricts freedoms of speech, expression, and peaceful assembly. As a special statute, the UAPA's procedures take precedence over general legal provisions. Additionally, Section 48 of the UAPA stipulates that its provisions and the rules made under it will override any inconsistent enactments or instruments, clearly establishing its supreme authority.
- 10.8 In the present case, as per the procedure, 6 witnesses in their evidence including PW-39 have claimed privilege of documents and submitted documents in sealed covers. They have stated that the documents submitted to the Tribunal in the sealed cover are privileged and confidential in nature and the same cannot be made available to the banned association or to any third party under the provisions of UAPA as the Government considers it against the public interest to disclose.
- 10.9 A total of eight sealed covers were handed over by the above mentioned six witnesses of the Government. Before proceeding to deal with the material in the sealed cover, this Tribunal has opened and perused the documents and material placed in sealed covers and re-sealed the same with the seal of the Tribunal while preparing the report.
- 10.10 The nature of material placed in the sealed covers by the 6 witnesses is in the form of intelligence reports, secret informations collected from time to time by the investigating and intelligence agencies, communications between the intelligence agencies, informations revealed on investigation and interrogation of the accused which may lead to further recoveries, discoveries of facts as also unearth conspiracies, the disclosure whereof would be clearly detrimental to the larger public interest and the security of the State. The sealed covers placed on record by Mr Rajesh Kumar Gupta, Director (CT), Ministry of Home Affairs, Government of India who appeared as PW-39 contains the note put up to the Cabinet Committee on Security along with documents supporting the note and the grounds on which the notification was issued besides intelligence inputs and correspondence in relation thereto. Hence, this Tribunal concludes that the claim of privilege of the documents by the witnesses is in accordance with law and the documents submitted in sealed covers are not required to be disclosed in the public interest.

XI. DISCUSSION AND ANALYSIS OF EVIDENCE:

- 11.1 This Tribunal is required to make an objective determination to decide whether or not, there is sufficient cause for declaring the association SIMI to be unlawful. The fact that no one has appeared for the concerned association, does not relieve the Tribunal of its duty to consider the material furnished before it by the Government objectively. The Tribunal is required to consider the credibility of the evidence/material placed on record by the Government to decide whether sufficient cause for declaring the SIMI an unlawful association has been shown by the Government.
- 11.2 To consider whether there is sufficient cause to declare SIMI an unlawful association, this Tribunal will primarily be considering the evidence furnished concerning the offences registered after the previous ban in the year 2019 and the judgments delivered thereafter, even in the cases which were registered before the said ban. Wherever necessary, the Tribunal shall also be referring to the offences committed earlier by the members/activists of the said association.
- 11.3 The evidence adduced before the Tribunal by the above-mentioned 39 witnesses would show that even after the ban in the year 2019, the individuals associated with the said association SIMI had continued to indulge in criminal activities in many states across the country, particularly in the States of Kerala, Tamil Nadu, Maharashtra, Madhya Pradesh, and Uttar Pradesh in addition to the Union Territory of Delhi.

- 11.4 To conclude the instant proceedings and to give its findings in the matter, the Tribunal deems it justified to first deal with those cases which are mentioned in the Notification dated 29.01.2024 of the Central Government as a background for declaring SIMI as an unlawful association and regarding which evidence has been led by the Government. These cases are as follows:-
- 11.5 Case Crime no. RC-31/2022/NIA/DLI - The notification states that this case has been registered by the NIA against Athar Parvez and Mohammed Jalaluddin of Phulwari Sharif, Patna relating to conspiracy of disrupting the visit of Hon'ble Prime Minister in July 2022. Both the accused were arrested and charge sheeted under various provisions including Sections 17, 18, 18A, 18 B, 38 and 39 of the UAPA.
- 11.5.1 For this case, the Central Government has examined Mr Vipin Kumar, Deputy Superintendent of Police, National Investigation Agency, New Delhi as the witness PW 33. He is the Chief Investigating Officer of this case. He has filed his affidavit by way of evidence exhibit PW 33/A and has also placed reliance on several documents about this case. He has deposed that information was received by the Central Government that Police Station Phulwari Sharif, Bihar has been informed about a plan to disturb the proposed visit of Hon'ble Prime Minister of India, Sh. Narendra Modi by some suspected persons who had assembled in the Phulwari Sharif area on 11.07.2022. Police raided Ahmed Place, Naya Tola near the canal, Phulwan Sharif, Patna and intercepted two persons namely Athar Parvej and Mohd Jalaluddin near Eshopur Canal, PS Phulwari, District Patna. During the search, some incriminating articles/documents were seized. Accordingly, FIR no. 827 dated 12.07.2022 was registered at PS Phulwari Sharif, District Patna Bihar and both the accused Athar Parvej and Mohd. Jalaluddin was arrested u/s 120, 120B, 121, 121A, 153A, 153B and 34 of IPC.
- 11.5.2 On 22.07.2022, the Ministry of Home Affairs (hereinafter referred to as "MHA") issued an Order vide F. No. 11011/63/2022/NIA, considering the nature and gravity of the offence, in exercise of its powers conferred under Section 6 (5) read with Section 8 of the NIA Act, 2008, directing the National Investigation Agency to register a Regular Case and take up the investigation of the same. Accordingly, on 22.07.2022, NIA registered the case being RC-31/2022/NIA/DLI under Sections 120, 120B, 121, 121A, 153A, 153B and 34 of the Indian Penal Code.
- 11.5.3 Investigation revealed that during the proposed visit of Hon'ble Prime Minister to Bihar, some suspected persons had assembled in the Phulwari Sharif area. On 11.07.2022 at about 1930 hrs, on secret information, a raid was carried out by the Police Officers of PS Phulwari Sharif, District Patna, Bihar at the rented house/premises of Athar Parvej (A-1). They recovered incriminating documents related to the Popular Front of India (PFI), which is a banned unlawful association under the UAPA. These included 05 sets of the document titled, "*India 2047 Towards Rule of Islam in India, Internal Document: Not for circulation*". The seized document was related to unlawful activities intended to disrupt the sovereignty of India and to cause disaffection against India. On questioning, the owner of the house, Md. Jalaluddin (A-2) revealed that the first floor of his house was taken on rent by the accused Athar Parvej (A-1) for a training which was duly conducted on 6th and 7th July 2022 in the rented portion of his house.
- 11.5.4 On questioning Athar Parvej (A-1) in the presence of Mohammed Jalaluddin (A-2) and other local persons, disclosed that he had been an active member of Students Islamic Movement of India (SIMI), a banned terrorist organization and he used to provide legal help to SIMI members lodged in jail. He also disclosed that the recovered and seized articles from his rented accommodation were related to PFI. It was also admitted that on the direction of PFI, he was preparing a secret group of Ex. SIMI members to take revenge for the atrocities against Muslims of India and to attack the persons who passed derogatory remarks against Islam. It was disclosed by him that recently revenge was taken in Amravati (Maharashtra) and Udaipur (Rajasthan) in retaliation for derogatory comments made by Nupur Sharma against Islam. Accused Athar Parvej also stated that the accused named in the FIR were his active associates in their mission. (*Emphasis supplied*)
- 11.5.5 The above-seized document aims to establish Pan-Islamic rule in India by subverting the Constitution of India. It also propagates armed struggle through violent means. It was further disclosed that the Popular Front of India (PFI) was planning for mass mobilization of the Muslim community to regain the glory of Islamic rule in India and for that they had set up a program for training the Muslim community in handling weapons and explosive devices. To meet the challenge, the PFI through the manifesto urged the Muslim community to acquire proper arms training and stockpile of arms and explosives which would be under the knowledge of selected persons.
- 11.5.6 Further investigation in the present case revealed that most of the accused persons were connected with the accused persons of other NIA cases directly or through common contacts including the accused Athar Parvej and Anwar Rashid (A-37). Anwar Rashid (A-37), was a member of the banned terrorist Organisation Students Islamic Movement of India (SIMI). After the ban on SIMI, he got associated with *Wahdat-e-Islami Hind* and Crescent/Guidance Publications as a sales representative to continue the ideology of SIMI of establishing Islamic rule in India. He was also associated with several members of PFI in Bihar and UP including the accused Athar Parvej (A-1) who was instrumental in preparing a secret group of Ex SIMI

members to work for the agenda of Popular Front of India. It was also revealed that Anwar Rashid also collected funds from various sources which were further sent to several persons convicted in terrorism cases and imprisoned in various Jails. He was also acting as an intermediate messenger to further the information sent from the accused of terrorism cases to like-minded persons or associates. He was also sending radical books/material to various like-minded prisoners. (*Emphasis supplied*)

- 11.5.7 During the custodial interrogation, Anwar Rashid A-37 disclosed that he had joined SIMI in 1996 under the endorsement of Jameel Siddique, Zimmedar (Head) of SIMI in UP at that time. Further, in 1998-99, he was appointed as Press Secretary of SIMI in Bhadohi (U.P) by Jameel Siddique and was also declared an active member of SIMI by the concerned authorities of SIMI. After the ban on SIMI in 2001, he joined Wahdat-e-Islami in the year 2004 and was also associated with different groups in Pakistan including Jamaat-e-Islami, Pakistan. He further revealed that the ex-members of banned terrorist organisations like SIMI and others were instrumental in reviving the ideology of SIMI by joining PFI. He further informed that he was associated with the accused Athar Parvej and Manjar Parvej and during his stay in Patna he used to stay at the houses of Ex SIMI members including the house of Athar Parvej. (*Emphasis supplied*)
- 11.5.8 He stated that a total of 05 supplementary charge sheets have been filed in the case and further investigation is still going on. He also stated that the accused Anwar Rashid had 09 other criminal cases pending against him. (*Emphasis supplied*)
- 11.5.9 It is also relevant to reproduce the relevant extracts of the supplementary chargesheet dated 27.10.2023, Ex. PW33/H filed in the instant case by the witness before the court concerned to show that the SIMI members were actively involved in planning and committing various offences. The relevant extracts are as follows:

"17.3 On questioning, Athar Parvej (A-1) in the presence of Mohammed Jalaluddin and other local persons, disclosed that he has been an active member of Student Islamic Movement of India (SIMI), a banned terrorist organization and he used to provide legal help to SIMI members lodged in jail. He also disclosed that the recovered and seized articles from his rented accommodation are related to PFI. On the direction of PFI, he is preparing a secret group of Ex. SIMI members with aim to take revenge on the atrocities against Muslims of India and to attack the persons who pass derogatory remarks on Islam. Recently revenge was taken in Amravati (Maharashtra) and Udaypur (Rajasthan) in retaliation of derogatory comments made by Nupur Sharma against Islam. Accused Athar Parvej (A-1) also named other FIR named accused persons and termed them as his active associates in their mission. On his instance, police of PS Phulwarisharif, Patna also searched his house and recovered & seized 02 sets of document "India 2047 Towards Rule of Islam in India, Internal Document: Not for circulation", 05 cloth Flags, original rent agreement on Non- Judicial Stamp by Farhat Bano w/o Md Jalaluddin Khan (A-2) with tenant Athar Parvej(A-1) son of Abdul Qayum Ansari, Pamphlets "Popular Front of India 20 February, 2021" 05 copies in Hindi and 01 android mobile phone of accused Athar Parvej."

17.24 Investigation further brought out that Anwar Rashid (A-37) was ex-member of the banned terrorist organization Student Islamic Movement of India (SIMI) and he is presently associated with the organization 'Wahdat- e-Islami Hind'. He is also associated with several PFI members of Bihar and UP including FIR named accused Athar Parvej (A-1) who was instrumental in preparing a secret group of Ex. SIMI members to work for the agenda of Popular Front of India. The prime agenda, under the banner of PFI, was to establish Islamic Rule in India as envisioned in the PFI's 'India 2047 Document'."

17.25 During the investigation, 05 days police custody remand of accused Anwar Rashid (A-37) was obtained in the instant case. He was interrogated thoroughly. During custodial examination, he stated that he had joined SIMI in 1996 under endorsement of Jameel Siddique, Zimmedar (Head) of SMI in UP at that time. Further in 199.8-1999, he was appointed as Press Secretary of SIMI in Bhadohi (UP) by Jameel Siddique and also declared as Ansar/ Akhwan (active member) of SIMI by the authorities of SIMI. He was arrested by Bhadohi Police for being member of SIMI in the year, 2001 and further he was arrested by Gujarat Police in Godhara riot case in February, 2002. He also corroborated that he collected funds from different sources and further sent the funds to several accused of the terror cases, imprisoned in various jails in India. After ban of SIMI in the year 2001, he joined Wahdat-e-Islami in the year, 2004. He had also created a Whats App group namely "PAK NEWS GROUP", Further, he was also associated with different groups of Pakistan including Jamaat-e-Islami, Palastan. He further revealed that the ex - members of banned terror organizations like SIMI and others were instrumental in reviving the ideology of SIMI by joining PFI. He was also associated in extending the ideology of PFI For the purpose of proliferation of reviving PFIs ideology, he used to visit various places in, India including Patna, Bihar to meet with the Ex-SIMI members. During visit of Patna, he met with

Athar Parvej (A-1) and other Ex-SIMI members of Patna, Bihar. During his visit at Patna, he used to stay at the house of Ex SIMI members including accused Athar Parvej (A-1).

17.30 The seizure of various letters written to Anwar Rashid (A-37) by convicted/undertrial accused lodged in different jail including Safdar Nagori, General Secretary of Students Islamic Movement of India (SIMI), a banned terrorist organization by the Government of India established his association with members of proscribed terrorist organization and his intentional support to the ideology of these terrorists. Safdar Nagori, also requested him to circulate this letter among their associates and followers for extending the ideology of SIMI.

17.35 Investigation further brought out that Anwar Rashid (A-37) was associated with Guidance Publication /Crescent publication, Delhi. He was working as sales representative in Guidance Publishers and Distributors based in Jamia Nagar, New Delhi-25. His main task was to receive order and ensure timely delivery of books and calendar to book depots and individuals all over India. Most book depots owner are Ex- SIMI and Wahdat members."

11.5.10 In addition to this, the witness PW33 has also relied on the statement of Protected Witness 'U', Ex. PW33/I in his evidence. The statement produced before the Tribunal during the deposition in sealed envelope has been perused. It reveals that the Protected Witness, who admitted to being a member of the SIMI before its ban in the year 2001 has stated that even after the ban the members and sympathisers of SIMI were instrumental in committing terrorist acts including bomb blasts. They got associated with organisations like Wahdat-e-Islami and continued to propagate and spread the radical and anti-national ideology of SIMI.

11.6 Case Crime No. RC-29/2023/NIA/DLI - As per the Notification dated 29.01.2024, this case has been registered by the National Investigation Agency (NIA) against Saquib Nachan, ex-National General Secretary of SIMI. He was the main conspirator and radicalizing Muslims for violent Jihad or Hijarat. He was giving 'Baith' (Pledge and Allegiance to ISIS) to Muslim youths. Further, he motivated other persons to take 'Baith' of ISIS. He is alleged to have established 'Al Sham' like area in Padga village, wherein sharia law is followed.

11.6.1 The Central Government has examined Mr Vinod Kadam, Deputy Superintendent of Police, National Investigation Agency, BO- Mumbai as the witness PW20. In his evidence by way of affidavit Ex. PW20/A he has deposed that ever since the arrest of the terrorists in FIR No. 06/2023 PS- ATS, Kalachowky in Mumbai registered under Sections 379, 468, 511 & 34 IPC, Sections 3(25) & 4(25) Arms Act, Sections 37(1)(3) & 135 Maharashtra Police Act and Sections 13, 15, 16(1)(b), 18 & 20 UAPA, in Pune in July, 2023, efforts were being made to identify and trace their other absconding associates. Meanwhile, information was received that the movements and activities of some unknown persons, suspected to be ISIS members/sympathizers have been noticed in Delhi and its bordering districts of Uttar Pradesh. Source inputs revealed that these ISIS operatives were operating on instructions of a foreign handler of ISIS who had further conspired with Pakistan's ISI and wanted terrorist Farahatulla Gauri hiding in Pakistan to carry out terrorist activities in the areas of Delhi/NCR. Sources revealed that this module is also receiving funds through illegal means to accomplish its plan of causing terror acts.

11.6.2 Information was received that the accused Shahnawaz Alam r/o Hazaribagh, Jharkhand, who was also wanted in the above case from Pune, was moving along with one Rizwan r/o Delhi and they have been planning to carry out terrorist activities in Delhi and adjoining areas. It was also revealed that they had some Delhi-based contacts who were participants in their criminal conspiracy. They were active online on different social media platforms and other chat platforms to promote the activities of the Islamic State of Iraq and Syria (ISIS) by professing themselves as active members of ISIS. It was also learnt that they had procured arms, ammunition and explosives for this purpose and had set up a base in Delhi. The facts indicated the commission of an offence under section 120B IPC. Hence, an FIR dated 18.09.2023 was registered by PS-Special Cell, New Delhi, vide Crime No. 243 of 2023 under Sections 43 & 120B of IPC.

11.6.3 The Special Cell, New Delhi had arrested Mohammad Rizwan Ashraf (A-1), Mohammad Arshad Warsi (A-2) & Shahnawaj Alam (A-3). Special Cell conducted searches at the instance of arrested accused Shahnawaz Alam (A-3) and Mohammad Rizwan Ashraf (A-1) on 02.10.2023 and 16.10.2023 and seized firearms and the material used for making IED/Bomb and firearm.

11.6.4 As per the directions issued by the Ministry of Home Affairs, Govt. of India, Counter Terrorism and Counter Radicalization Division (C.T.C.R), North Block, New Delhi the Police Station - NIA, New Delhi re-registered the said case vide RC-29/2023/NIA/DLI on 06.11.2023. On 22.11.2023, NIA took over the investigation from Special Cell, Delhi. It was revealed that the arrested three accused persons A-1 to A-3 are in direct contact with Saquib Nachan @ Abu Suleiman @ Antivirus @ Amir-e-Hind of ISIS for India as well as foreign ISIS handler Sultan Sikandar, for furtherance of criminal activities of ISIS. Saquib Nachan was All India General Secretary of SIMI, a banned terrorist organization. (Emphasis supplied)

On the directions of their handler, the accused persons in the present crime were collecting substances for making explosives and IEDs. They were provoking gullible Muslim youths for taking baith (allegiance towards) the ISIS for the so-called noble cause of ISIS and joining the ISIS by Hijrat to the land of jihad. On 09.12.2023 NIA conducted searches at 42 locations in Pune & Padgha-Borivali (including surrounding locations), Maharashtra and seized various incriminating materials, lethal arms- swords and knives, huge amount in cash (Rs. 68 lacs). Finding their direct involvement in the crime and conspiracy 15 persons was arrested.

- 11.6.5 Out of the 15 arrested accused persons eight were connected to SIMI. It is established that, the accused persons were all members of ISIS, a proscribed terror organisation. They gave "baith" of ISIS through Saquib Nachan, self-styled declared "Amir-e-hind" of ISIS.
- 11.6.6 It was also revealed that Saquib Nachan and his associates were trying to rejuvenate their SIMI cadre for the cause of ISIS and their activities of violent Jihad. For that purpose, they propagated ISIS ideology and recruited many Ex-SIMI members and gullible youths by giving "baith" of ISIS. They procured arms and ammunitions, explosives, chemicals and materials. They conducted test blast of explosives and IED's, established training camps and conducted training of firearms and preparing/fabricating IED's. They also raised funds from their associates and supporters for the cause of ISIS through various means. *(Emphasis supplied)*
- 11.6.7 It was also revealed that the accused namely Adil Ilyas Khot was an Ex SIMI member and Maharashtra State President for SIMI. The accused Hasseb Zubair Mulla, Firoz Dastgir Kuwari, Kashif Sattar Balere, Saif Ateeque Nachan, Shagaf Shafique Divekar and Mukhlis Maqbool Nachan were all either ex-SIMI activist/supporter/sympathiser. Their main objective was to establish Khilafat and formation of State of Islam which will rule by Shariya. *(Emphasis added)*
- 11.6.8 It was revealed that the accused persons were furthering their criminal activities on the directions of Saquib Nachan @ Abu Suleiman [Telegram ID @ Antivirus]. The said accused Saquib Nachan was receiving directions from his foreign based ISIS handler @ Sultan Sikander. Several incriminating articles were recovered from the possession of Shah Nawaz Alam. The recovered articles include IED, powder like material (explosive substances), steel pellets, match stick box, iron pipes, fuse, brown powder, 9V batteries, small watch and wires, electric weighing machine. One remote with key A & B and one black color circuit box, 02 white plastic cans containing some liquid having pungent smell, 4 brown color glass bottles containing some liquid having pungent smell, thermometer, 3 surgical gloves, pen drive [PDF files containing procedure for making IED, Bombs and ISIS ideology literatures], etc. A firearm and magazine was also recovered from the accused Mohammed Rizwan Ashraf. The same is proved by producing the true copy of the seizure memos dated 02.10.2023 and 16.10.2023 as Ex. PW20/D. The Expert Opinion Report dated 28.02.2024 and the Opinion Report of the Explosive Expert dated 15.03.2024, (as mentioned in the chargesheet dated 21.03.2024, Ex. PW20/F, filed by the NIA in the concerned Court) establish that the material seized from the accused persons included the necessary material/ components required to make bomb/IEDs. Similarly, the digital evidence seized in the case contained ISIS recruitment propaganda magazines namely *Dabiq*, *Rumiyah*, *Voice of Hind*, *Voice of Khurasan*, *Inside*, *Bay'ah*, *Harbi Kuffar* etc. Electronic copies of the propaganda documents connected with ISIS and other terrorist organisations were also recovered. Some incriminating images on ISIS viz. Killing, Beheading, Training, Baith etc. were also found in the devices of the accused persons. The PDF versions of the manuals to prepare explosives and chemical weapons were recovered. Various excerpts of the conversations, related to preparation for committing terror attacks, which took place between the accused persons and their handlers/associates were also recovered.
- 11.6.9 Furthermore, truncated statements of the Protected Witnesses viz. KW-5, KW-6, KW-7, KW-8 & KW-9, relied on by DSP Vinod Kadam in his evidence as Ex. PW20/H, also show that the persons who have been chargesheeted in the case had close contacts with the ex-members of SIMI. The statements of Protected Witnesses prove Ex SIMI members' involvement in the instant ISIS module case (RC- 29/2023/NIA/DLI).
- 11.6.10 During the investigation, Ajmal Farooqui (father of the accused Haris Farroqui) has told the NIA that his son was in close contact with many SIMI ex-members before he went missing. His statement is produced by the PW20 as Ex. PW20/I before the Tribunal.
- 11.6.11 DSP Vinod Kadam has also relied on the supplementary chargesheet dated 03.06.2024 filed before the Court in the RC-29/2023/NIA/DLI. The same is Ex. PW20/J. This document specifically mentions that the accused Saquib Abdul Hamid Nachan was a member of SIMI and had been convicted in Terrorist and Disruptive Activities case no. 2/93, 7/93 and 2/94 for his involvement in Ahmedabad Arms Haul case. He was also convicted for 2002-2003 Mulund bomb blast case. It was also found during the investigation that this accused had formed a group of ex-SIMI members for furthering the ideology of the ISIS. In furtherance of the same they had met in the month of December, 2021 at Borivali Padgha village and insisted on a witness to join ISIS. This accused was heard saying in this meeting *"From the time of SIMI, I am fighting against Kafirs for*

the establishment of Khilafat and bringing Islamic State, till my last breath I shall continue this fight for the cause of Islamic State.”

11.7 RC-04/2020/NIA/DLI and RC-28/2023/NIA/DLI:

- 11.7.1 As per the Notification dated 29.01.2024 the Case Crime No. RC-04/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) against Shihabudeen @ Sirajudeen @ Khalid @ Rajesh, ex-SIMI member. In May 2019, he met Khaja Mohideen and others in a rented house at Annan Ninaivu Nagar, Puzhal and joined the terrorist gang formed by Khaja Mohideen for establishing Khilafat or Islamic Rule in India, as part of furthering the objectives of the proscribed terrorist organisation ISIS/Daish in India. He has received funds from Khaja Mohideen for procurement of fire arms and ammunition. He was charge-sheeted on 9th March, 2021.
- 11.7.2 The Notification further states that the Case Crime No. RC-28/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against T. Naseer, ex-SIMI member, who later joined Lashkar-e-Taiba (LeT), a proscribed terrorist organisation. He used to select newly lodged Under Trial prisoners and got them transferred to his barrack. He further convert, radicalise and recruit them for furthering the activities of LeT in Central Prison, Bengaluru from 2017 onwards. In furtherance to their conspiracy and on the instructions of T. Naseer, co-accused arranged arms and ammunitions and explosives in collusion with other accused. He was involved in raising funds in the Prison for furthering their activities of proscribed terrorist organisation. The accused has been charge-sheeted in the case under the provisions of the UAPA. He has been charge-sheeted on 12th January, 2024
- 11.7.3 With respect to these cases, the Government has examined Ms. Susheela R, Deputy Superintendent of Police in the NIA, Bengaluru as the witness PW36. She has filed her two affidavits of evidence (Ex. PW 36/A1 and Ex. PW 36/A2) before this Tribunal.
- 11.7.4 She stated that the case RC-04/2020/NIA/DLI was registered at NIA Branch, Hyderabad under Sections 153A, 120B, 121A & 122,123,124A and 125 of the Indian Penal Code and Sections 13, 18 & 20 of the UAPA.
- 11.7.5 It is deposed in the affidavit Ex. PW36/A2 that on 10.10.2020, Shri Niranjana Kumar C, Inspector, CCB, Economic Offences Wing, Bengaluru City submitted a written complaint at Suddaguntepalya Police Station, Bengaluru to the effect that, Mehaboob Pasha, resident of Gurappanapalya, Bengaluru, Karnataka in association with Khaja Moideen who was accused in several cases registered in Tamil Nadu related to terrorism, murder etc. formed a terrorist group with young Muslims in South India. They selected their base at Bengaluru. They conducted several criminal conspiracy meetings at the house of accused Mehaboob Pasha and Zabiulla (A-16) and at the Al-Hind Office in Bengaluru and other places in Karnataka and Tamil Nadu since April, 2019. They propagated the ideology of the proscribed terrorist organization ISIS. They conspired to collect arms and explosives for murdering Hindu leaders and police officers thereby creating communal riots. They recruited vulnerable Muslim youths with intention to carry out terrorist attacks in South India especially in Karnataka and Tamil Nadu.
- 11.7.6 During investigation it was revealed that accused Shihabudeen @ Sirajudeen @ Khalid @ Rajesh was an active member of SIMI (Students Islamic Movement of India) organisation before it was banned. He provided legal aid to accused Mannady Abdulla and Khaja Moideen to defend them in Crime No. 746/2014 dtd. 18.06.2014 of T-2 Ambattur Estate PS, Tamil Nadu related to the murder of Ambattur Suresh Kumar. (*Emphasis supplied*)
- 11.7.7 Investigation revealed that accused Shihabudeen was in contact with Khaja Moideen and he had visited Mumbai for procuring arms and ammunition. He delivered said arms to Ejaz Pasha and Jaffer Ali. On another occasion, he visited Mumbai for this purpose. Khaja Mohideen also gave a phone with a fraudulently obtained SIM card to him to communicate with arms dealers in Mumbai. Rs. 6 lakhs were also provided by Khaja Mohideen to Shihabudeen for the purchase of arms.
- 11.7.8 Investigation further revealed that on 18.10.2019, Shihabudeen @ Sirajudeen @ Khalid @ Rajesh collected a parcel containing illegal fire arms and ammunitions (04 pistol and 100 rounds) from arms dealers in front of Market Road Masjid, Kalyan West, Thane which were then delivered to Ejaz Pasha at Navi Mumbai. During this period accused Shihabudeen had used the mobile phone and fake SIM card provided for this purpose by accused Khaja Moideen. It was also revealed that Ejaz Pasha was carrying a parcel during his journey back to Bengaluru. On reaching Bengaluru on 19.10.2019, Ejaz Pasha handed over this parcel of 04 Pistols and 100 rounds of ammunition to Mehboob Pasha.
- 11.7.9 Investigation further revealed that on 02.12.2019, as per direction of Khaja Mohideen, Shihabudeen @ Sirajudeen @ Khalid @ Rajesh met Mehboob Pasha and Jaffer Ali (A-6) near Periyamed Big Masjid, Chennai and discussed arrangement and collection of second consignment of arms and ammunitions from Mumbai. It was revealed that accused Shihabudeen had travelled from Coimbatore to Chennai on

- 02.12.2019. On analysis of tower location and CDR of fraudulently obtained sim number used by Mehboob Pasha it was revealed that he had travelled from Bengaluru to Chennai on 02.12.2019 and was received by Jaffar Ali at Periyamedu Bus Stand. Accused Shihabudeen in his voluntary disclosure had pointed out the location near Periyamed Masjid in the investigation of the case RC- 06/2020/NIA/DLI.
- 11.7.10 Investigation revealed that as part of the larger conspiracy and on direction of Khaja Moideen, accused Shihabudeen again went to Mumbai, via Delhi on 13.12.2019 for collection of second consignment of illegal arms and ammunitions and to hand over the same to Ejaz Pasha. During this visit Shihabudeen stayed at the office building of Federation of Islamic Youth Organisation (FIYO). Mehboob Pasha travelled from Bengaluru to Mumbai on 15.12.2019. The second delivery was not successful as there was disagreement between Mahboob Pasha and Shihabudeen on the issue of keeping the illegal firearms and ammunition till the arrival of Ejaz Pasha. This is corroborated by the technical data of the cell phones.
- 11.7.11 The statement of protected witness X (Ex. PW 36/M) revealed in detail about the meeting between accused Shihabudeen and Mehboob Pasha at Market Road Masjid, Kalyan West Thane. The protected witness X stated that he heard Mehboob pasha telling Shihabudeen that the first consignment of 4 pistols and ammunitions had reached safely and this consignment of pistols and ammunitions is also very important and therefore, it can be kept with Shihabudeen for a day till Ejaz pasha arrives. Protected Witness X also stated that he can identify the suspected arms dealers who had come on a motorbike and that they had given the consignment of arms packed in a box wrapped in glossy gift paper to Shihabudeen but due to the argument between Mehboob Pasha and Shihabudeen, the consignment was returned to the arms dealer.
- 11.7.12 PW36 has further deposed that the witness Kadar Baba in his statement (Ex. PW 36/O) recorded during the investigation has stated that accused Shihabudeen was an active member of SIMI till its ban, and Kadar Baba was also associated with SIMI for about 20 years through Shihabudeen. Shihabudeen is running a publication house in the name of *Thinnai Thozhargal* at Mannady, Chennai in which he is publishing various books related to Islamic religion.
- 11.7.13 It was further revealed in the investigation that the four pistols and 100 rounds of ammunition collected and sent by accused Shihabudeen to accused Mehboob Pasha, were recovered in RC- 02/2020/NIA/DLI and in RC-06/2020/NIA/DLI. When Shihabudeen got to know about the arrest of Khaja Mohideen on 08.01.2020 in RC-05/2020/NIA/DLI, he fled to Malaysia on 17.01.2020 and further to Qatar. On 06.01.2021, based on credible information, CIO of RC- 06/2020/NIA/DLI (SSI Wilson Murder Case) arrested Shihabudeen at Chennai International Airport after his deportation from Doha.
- 11.7.14 After investigation, a supplementary charge-sheet was filed on 03.09.2021 against Shihabudeen. The case is in hearing before the charge stage.
- 11.7.15 Regarding the case RC-28/2023/NIA/DLI, DSP Susheela R. has deposed by way of her affidavit Ex. PW36/A1. She has stated that on 18.07.2023 based on a credible input, the Karnataka State Police conducted a raid at the house of one Syed Suhail Khan where a conspiracy was going on . In the raid, 07 pistols, 45 live rounds, one magazine, 02 walkie-talkies and other digital gadgets were recovered from the possession of the accused persons. Subsequently, FIR no. 149/2023 dated 18.07.2023 under Sections 120B, 121, 121A & 122 of IPC and Sections 3 & 25 of Arms Act and Sections 13 & 18 of UAPA was registered at Hebbal PS, Bengaluru City, Karnataka. Accused Syed Suhail Khan, Mohammed Umar, Zahid Tabrez, Syed Mudassir Pasha and Mohammed Faisal Rabbani were arrested. On 27.07.2023 T. Naseer was also arrested in this case. Police extracted the data from the mobile phones of accused persons. During scrutiny of data, incriminating voice clips were found. Specimen Voice samples of accused persons were taken with the assistance of a forensic expert.
- 11.7.16 On 20.10.2023 the Ministry of Home Affairs issued an Order F.No.1101/83/2023/NIA, directing the National Investigation Agency to register a Regular Case and take up the investigation as credible information was received that habitual offenders namely (1) Syed Suhail Khan, (2) Mohammed Umar, (3) Zahid Tabrez, (4) Syed Mudassir Pasha, (5) Mohammed Faisal Rabbani @ Sadath and (6) Junaid Ahmed @ Junaid, came in contact with the accused T. Naseer (a life convict in terror case) and others, when they were lodged in Parappana Agrahara Prison, Bengaluru. They were involved in several conspiracy meetings and procured and stored arms, ammunition, explosive substances & other materials, in the house of accused Syed Suhail Khan and other places to carry out terror activities in Bengaluru City to disturb the unity, integrity, security and sovereignty of the country and to wage a war against India.
- 11.7.17 On 25.10.2023, NIA registered a case being RC-28/2023/NIA/DLI under Sections 120B, 121, 121A & 122 of the Indian Penal Code and Sections 13 & 18 of the UAPA, Sections, 4, 5 & 6 of the Explosive Substance Act, 1908, & Section 9B of the Explosives Act, 1884 on 12.11.2023. After taking over the case records from the State Police, remnants of the hand grenades were forwarded to CFSL, Hyderabad for scientific examination. NIA also sent the seized mobile phones to CFSL, Hyderabad and CERT-In, New Delhi for forensic examination.

- 11.7.18 Further investigation revealed that initially, T. Naseer was a member of the proscribed terrorist organisation—Students Islamic Movement of India (SIMI) and later, he joined Lashkar-e-Taiba (LeT), a proscribed terrorist organisation and started furthering the activities of LeT. He was involved in many terror cases such as the Kozhikode Twin Blasts in 2006, Bengaluru Serial Blasts 2008 and LeT Recruitment (RC-02/2010/NIA/DLI) etc. In the year 2010, he was arrested in Bengaluru Serial Blast cases and was detained in the Central Prison, Bengaluru. He was lodged in Kerala Prisons for his involvement in terror cases in Kerala. In the year 2013, T. Naseer was convicted of life imprisonment in the LeT recruitment case and was shifted to Central Prison, Bengaluru for trial of Bengaluru Serial Blast cases and since then, he has been lodged there. (*Emphasis supplied*)
- 11.7.19 On 18.07.2023, in pursuance of the conspiracy hatched by T. Naseer, the accused persons namely Junaid Ahmed and Salman Khan, accused Syed Suhail Khan, Mohammed Umar (A-4), Zahid Tabrez, Syed Mudassir Pasha and Mohammed Faisal Rabbani assembled in the house of Syed Suhail Khan. Zahid Tabrez brought arms and ammunition to the conspiracy meeting, which was delivered by Junaid Ahmed in February, 2023. Syed Suhail Khan had walkie-talkies in the meeting, which were delivered by Vikram Kumar @ Chhota Usman. The meeting was organised by T. Naseer and Junaid Ahmed to get T. Naseer released from police custody en route to court and to further the terrorist activities of LeT, a proscribed terrorist organisation. CDR and IPDR analysis of mobile numbers used by the accused persons showed that they were connected to each other.
- 11.7.20 Chargesheet No. 01/2024 dated 12/01/2024 was filed under Section 173 (2) Cr.P.C., against T. Naseer, Junaid Ahmed, Syed Suhail Khan @Suhail, Mohammed Umar @ Umar, Zahid Tabrez @ Zahid, Syed Mudassir Pasha @ Mudassir @ Sait Sab @ Muddu Sait, Mohammed Faisal Rabbani @ Sadath and Salman Khan @ Salman. Further investigation against Vikram Kumar @ Chhota Usman was left pending.
- 11.7.21 It is further stated that the accused T. Naseer, who was a member of SIMI and subsequently of the LeT, is a life convict in RC-02/2010/NIA/DLI (LeT Recruitment Case) and an under-trial prisoner in Bengaluru Serial Blasts cases. He was lodged in Central Prison, Bengaluru. He was a member of a proscribed terrorist organisation and later on became a member of Lashkar-e-Taiba (LeT), another proscribed terrorist organisation. He used to select gullible among the newly lodged under trial prisoners and got them transferred to his barrack. Further, he used to radicalize, convert (if they belonged to other communities) and recruit them for furthering the activities of LeT. During the process, T. Naseer radicalised and recruited the above said 8 accused persons, while they were lodged in Central Prison, Bengaluru, in a murder case. He also converted Vikram Kumar @ Chhota Usman (A-9), and other Hindu individuals to Islam for further radicalization and recruitment to LeT. This witness has relied on the seizure memos prepared during the investigation of the case recording the recovery of the arms and ammunition and explosives.
- 11.7.22 Chargesheet in the case was filed on 12.01.2024 before the NIA Special Court at Bengaluru. The trial of the case is yet to commence.
- 11.8 Case Crime no. RC-16/2019/NIA/DLI and RC-06/2020/NIA/DLI-**
- 11.8.1 The Notification dated 29.01.2024 states that the Case Crime No. RC-16/2019/NIA/DLI has been registered by the National Investigation Agency (NIA) against Mohammed Ibrahim @Ibrahim Jamali, who is an ex-State Secretary of the proscribed organisation SIMI, was the main leader of the pro-jihadi jamaat formed in UAE with the intention of propagating violent extremist ideology of proscribed terrorist organisations including Al-Qaeda and ISIS. He has also subscribed and disseminated pro-ISIS/ Daish material advocating violent jihad and establishment of Islamic Khilafat, while delivering lectures on such topics during the meetings and classes organised by the unlawful jamaat in the United Arab Emirates. The accused has been charge-sheeted in the instant case on 1st January, 2020 before the NIA Special Court, Chennai.
- 11.8.2 The notification further states that the Case Crime No. RC-06/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) which pertains to the murder of Shri SSI Wilson on 8th January, 2020. During investigation serious involvement of S. Shahabudeen @Shihabudeen @Sirajudeen @Khalid was revealed which resulted in his arrest on 6th January, 2021. It was also revealed that this accused has been continuing with covert anti national activities as a former SIMI member having association with hard core ISIS cadres. He was also involved in publication of provocative and highly objectionable material inciting others to commit terror acts.
- 11.8.3 Regarding these two cases, the Central Government has examined Mr. R.Ranjith Singh who serves as Deputy Superintendent of Police, National Investigation Agency, Chennai, Tamil Nadu, as the witness PW19. He has filed his respective evidence of these two cases by way of the affidavits Ex. PW19/A and Ex. PW19/A1.
- 11.8.4 He has stated that on 08.07.2019, the Ministry of Home Affairs, Govt. of India issued an Order vide F No. 11011/34/2019/NIA, in exercise of its powers under Section 6(5) read with Section 8 of the NIA Act, 2008, directing the National Investigation Agency to register a Regular Case and to take up the investigation as credible information was received by the Central Government that a group of pro-ISIS and Al-Qaida

organisations variously called as "Wahadat-E-Islami", "Jamaat Wahadat-ul-Islam-al-Jihadiya", "Jihadist Islamic Unit" and "Ansarullah" have been formed to establish Islamic rule in India by resorting to violent jihad and that an individual named A. Hasan Ali Yunus Maricar @ Abu Dujana of Tamil Nadu, who is closely associated with ISIS, is actively recruiting individuals to strike terror in India. The information also indicated that Syed Bukhari who heads Wahadat -e-Islam Organisation in Tamil Nadu was also the President of the Student Islamic Movement of India (SIMI) before it was proscribed as an unlawful association in 2001, and Hasan Ali @ Abu Dujana had entered into a conspiracy to destabilise the democratic polity of India and establish Islamic rule in India by adopting to violent jihad against the established Government of India. (Emphasis supplied)

- 11.8.5 On 08.07.2019, NIA registered a case being RC-16/2019/NIA/DLI under Sections 120B, 121A & 122 of the Indian Penal Code and Sections 17, 18, 18B, 38, 39 and 40 of the UAPA. The investigation revealed that Syed Bukhari (A-1) was associated with Mohammed Ibrahim (A-4) in SIMI, prior to its ban for the first time in 2001 and had succeeded A-4 as President of SIMI in Tamil Nadu. A-1 worked in UAE till 2008 and he used to organise religious classes in UAE where other accused like A-4 and others conspired and formed pro-jihadi jamaat in UAE with the unlawful objective of causing disaffection against the established Government of India. The accused Mohamed Ibrahim @ Ibrahim Jamali who was the State Secretary of the SIMI in the year 1986 was the main leader of the pro-jihadi jamaat formed in the UAE, by the accused persons, intending to propagate violent extremist ideology for establishing Islamic rule in India through violent jihad and also by engaging in unlawful activities. Mohamed Ibrahim had also subscribed and disseminated pro-ISIS/ Daesh material advocating violent jihadist and the establishment of Islamic Khilafat while delivering lectures on such topics during the meetings and classes organized by the unlawful jamaat in the UAE. The data extracted from his email and social media accounts, revealed details of members of the jamaat, its objectives and classes conducted. An Arabic book, seized from his possession, during his arrest in the UAE and carried to India, on deportation, supports violent jihadi ideology. Data extracted from his Facebook account revealed that he followed the Sri Lankan ISIS/ Daesh leader Zahran Hashim and attempted to converse with him.
- 11.8.6 Mohamed Ibrahim had also shared the material supporting violent jihad, with ISIS/ Daesh member Mohamed Azarudheen, charge-sheeted under provisions of the UAPA in NIA case RC-02/2019/KOC (ISIS Kerala Tamil Nadu Case) and with another ISIS/ Daesh member Sheik Shafiulla, charge-sheeted under provisions of UAPA by Coimbatore Police in Crime No. 499/2019. Mohamed Ibrahim has used social media to propagate his violent extremist intentions of forming a pro-jihadi jamaat, in the UAE. His Facebook account revealed that he had shared and subscribed to a lot of jihadi material, including "*The Book of Jihad*". His mobile phone data analysis also revealed the subscription and dissemination of material in support of violent jihad. Mohamed Ibrahim@ Jamali was arrested by the UAE authorities in January 2019, for spearheading activities of the unlawful jamaat and was detained till his deportation to India in July, 2019.
- 11.8.7 Pursuant to the investigation carried out by the NIA, main Charge Sheet dated 08.01.2020 was filed before the NIA Special Court, Chennai against 11 accused persons, including Mohamed Ibrahim @ Jamali. The charges have yet not been framed as the High Court of Madras vide interim order dated 28.04.2023 in Criminal Appeal No.496 of 2023 had stayed the trial until further orders.
- 11.8.8 With respect to the case RC-06/2020/NIA/DLI, DSP R.Ranjith Singh has deposed by way of the affidavit Ex. PW19/A1. This case was registered regarding the on-duty killing of Special Sub-Inspector of Police Mr. Wilson on 08.01.2020.
- 11.8.9 It is stated that on 08.01.2020 at about 21:20 hrs, while Wilson, Special Sub-Inspector of Police, Kaliyakkavillai Police Station was on duty, the assailants (A-1) Abdul Shameem and (A-2) Thowfeek killed him with a gun and thereby caused terror in the mind of the general public. Initially, the case was registered in the Kaliyakkavillai Police Station, Kanyakumari District, Tamil Nadu as FIR in Cr. No 09/2020 dated 09.01.2020 and under Sections 302, 506 (ii) of IPC read with Sections 7, 25(1A), 25(1) (b) of Arms Act. Considering the gravity of the offences committed, the Ministry of Home Affairs, the Government of India, issued an Order vide F.No.11011/15/2020/NIA dated 31.01.2020, in exercise of its powers conferred under Section 6 (5) read with Section 8 of the NIA Act, 2008, directing the National Investigation Agency to register a Regular Case and take up the investigation of the same. Accordingly, the case RC-06/2020/NIA/DLI was registered by the NIA.
- 11.8.10 Investigation disclosed that the prime accused (A-3) Khaja Mohideen @ Jalal @ Hamza @ Kasim Khan @ Kaja Modeen formed a terror gang with an ulterior motive to commit terror act and thereby entered into the criminal conspiracy with Abdul Shameem (A-1), Thowfeek (A-2), Mahaboob Pasha (A-4), Ejaz Pasha (A-5), Jaffer Ali (A-6) and Shihabudeen (A-7 and member of SIMI) in various places in Tamilnadu, Karnataka, Maharashtra and Kerala during the period between 2019 to 2020 with the malafide intention of committing violent terror acts. In furtherance of criminal conspiracy, accused A-1 and A-2 have been supplied with the prohibited firearms and ammunitions, through A-5 and others in order to commit acts of terror.

- 11.8.11 It is deposed by the PW19 that the investigation revealed that the accused S. Shihabudeen @ Shihabudeen @ Sirajudeen @ Khalid was an active member of SIMI. He was also a member of the terrorist gang formed by Khaja Mohideen with the objective of establishing Khilafat or Islamic Rule in India as part of realizing the objectives of the proscribed terrorist organization ISIS/Daesh in India for threatening the unity, integrity, and sovereignty of India and also to strike terror in the minds of people. He became a member of the ISIS/Daesh. He attended various conspiracy meetings with Khaja Moideen, Mahboob Pasha, Ejaz Pasha and Jaffar Ali and other suspects in this case at various parts in Tamil Nadu, Karnataka, Kerala and Maharashtra during the year 2019 and 2020 with intention to commit terror acts. It is towards realizing these goals that the accused Abdul Shameem and Thowfeek had murdered SSI Wilson. It is stated that at that time the assailants had shouted 'Allahu Akbar', a slogan raised by the terror outfit while executing the so called kafirs. They had also written on a piece of paper in Tamil language: "*We are the fighters of Islam, we will fight for Islam in India, ISI Islamic State in India*" on one side and "*leader Khaja Bhai*" on other side for leaving it at the place of the incident before fleeing, but mistakenly, could not leave it there. (*Emphasis supplied*)
- 11.8.12 The witness PW19 has also relied upon the statement of the witness Kader Baba recorded during the investigation. It is pertinent to refer to the relevant portion of this statement to show that the prime accused were connected to SIMI. The corresponding portion is reproduced as follows:
- "I acquainted with Shihabuddin through SIMI about 20 years ago. He was an active member of SIMI till its ban"*
- 11.8.13 Other two witnesses namely Subhaida and Sirajuddeen had also told the Investigating Officer that the accused Shihabuddin was an active worker of SIMI. These statements were produced as Ex. PW19/AE.
- 11.9 Case Crime No. RC-02/2019/NIA/KOC-As per the notification dated 29.01.2024 this case has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre Sheik Hidayathullah Y @ Firoze Khan @ Firozy. Sheik Hidayathulla was a part of conspiracy in propagating the ideology of proscribed terrorist organisation ISIS/Daesh, and also recruiting vulnerable youths with a view to carry out terrorist attacks in Southern part of India especially in the cities of Kerala and Tamil Nadu. During the search conducted in his premise, various documents relating to SIMI were seized. He has been charge-sheeted in the instant case under Section 38 and 39 of the UAPA.
- 11.9.1 With respect to this case, the Government has examined Mr. Abhilash MJ, Inspector at the NIA, Kochi as the witness PW3. He is the current Chief Investigating Officer of the case. He tendered his evidence vide the affidavit Ex. PW3/A. It is stated by him that this case shows the involvement of former SIMI cadre, namely Shiek Hidayatullah @ Firoz Khan @ Firozy in the conspiracy of propagating, violent extremist ideology of proscribed terrorist organisation ISIS/Daesh and also for recruiting vulnerable youth into this organisation.
- 11.9.2 The witness PW3 has deposed that on 28.05.2019, the Ministry of Home Affairs issued an order directing the NIA to register a regular case and investigate the information received by the Government to the effect that one Mohammad Azharuddin and his associates were propagating the ideology of ISIS/Daesh. They were recruiting youth with the objective of carrying out terrorist attacks in Southern part of India, especially in the States of Kerala and Tamil Nadu. Accordingly, the case RC-02/2019/NIA/KOC was registered on 30.05.2019 against 6 accused persons. Investigation revealed the connection of Mohammed Azharuddin with *Wahadat-e-Islami* which is the frontal organisation of *Jamat-e-Islami Hind*. He used to deliver speeches propagating the religious ideology of the said organisations. The Salafi organisation, India National Towheed Jamaat, invited him to deliver speeches in Coimbatore. It was found that Mohammed Azharuddin and Shaikh Hidayattullah became radicalised after accessing online speeches of international radical speakers and downloading such material onto their devices, which they further disseminated amongst their associates. Mohammed Azharuddin was in touch with many Sri Lankan radicals and speeches and other material attributed to the Sri Lankan ISIS leader Zahran Hashim were forensically recovered from the digital devices and social media accounts of the aforesaid two persons.
- 11.9.3 It was also revealed that these accused persons have extensively used social media to propagate the ideology of ISIS, and also to recruit youth into this organisation. Sheikh Hidayatullah had confessed that he was earlier associated with the banned outfit, SIMI. Incriminating material related to the SIMI was recovered from his possession. A charge sheet was filed in the said case for the offences punishable under Section 120B IPC and Sections 38 and 39 of the UAPA. The trial of the case is pending in the Special Court for Trial of NIA cases, Ernakulam.
- 11.9.4 This witness has supported his evidence with the relevant documents including the copy of the chargesheet dated 07.12.2019 of the above-mentioned case, taken on record by the Special Court for Trial of NIA cases, Ernakulam, report along with the list of additional evidence collected during further investigation filed in the Special Court on 26.10.2022 as Ex. PW3/H and the copies of the statements of the protected witnesses viz. Protected Witness-A, Protected Witness-B and Protected Witness-C as Ex. PW3/I, PW3/J and Ex. PW3/K, respectively. He has also produced the copy of the English translation of a SIMI magazine bearing the name

"*Khilafa SIMI Monthly Magazine*" dated September 2001 as Ex. PW3/D. This was recovered from the house of the accused Sheikh Hidayatullah. The magazine has contents which disparage and demean the religions other than Islam. The same are prima facie sufficient to cause enmity between different groups and religions.

- 11.9.5 The evidence presented in the affidavit by Inspector Abhilash M.J.demonstrates a clear link between SIMI members and ISIS/Daesh. The seized materials, digital evidence, and witness testimonies establish that ex-SIMI cadres were actively involved in promoting extremist ideologies, recruiting youths, and planning terrorist activities in Southern part of India.
- 11.10 Case Crime No. RC-02/2022/NIA/KOC- As per the Notification dated 29.01.2024, this case has been registered by the National Investigation Agency (NIA) against ex-SIMI leader Mohammed Ali @Kunhappu Haji @Kunjappu Sahib @Kunjappukka. The accused is an ex-SIMI member and former state vice-president of Popular Front of India (PFI), Kerala. He used to arrange and supervise arms training conducted at Periyar Valley campus, Aluva on various occasions. He propagated violent jihad to the cadres of Popular Front of India and also justified the terrorist activities in Popular Front of India meetings. He has been charge-sheeted under various provisions including Section 16, 18A, 18B, 38 and 39 of the UAPA.
- 11.10.1 The Central Government has examined the witness, namely Mr Umesh Rai K, Inspector of Police, NIA, Kochi as PW2 who tendered his evidence by way of the affidavit Ex. PW2/A. He deposed that the NIA has registered this case on the orders of the Ministry of Home Affairs, Government of India. The orders were made based on information to the effect that the office bearers, members and cadres of the Popular Front of India (PFI), and its affiliates in Kerala have conspired to instigate communal violence and radicalise its cadres to commit terrorist acts in the State of Kerala and various other parts of the country. Information was further received that PFI members and office bearers based in Kerala having earlier association with proscribed terrorist organisation SIMI, maintain operational nexus with other proscribed international terrorist organisations like Lashkar-e-Taiba (LeT), Islamic State of Iraq and Syria (ISIS) Daesh and Al-Qaida. Some of the members of PFI cadres are also members of these proscribed terrorist organisations. PFI has created an organisational web which is stretched to recruit vulnerable Muslim youths into proscribed international terrorist organisations to commit terrorist acts. Information was also received that PFI and its members are indulging in activities prejudicial to the maintenance of harmony by creating feelings of enmity between people of different religions and groups through violent speeches, publications, articles, social media posts etc. with an intention to disrupt public tranquillity and have been seen to have organized movement intending that the participants be trained to use criminal force against people of other religions and groups in order to cause fear and alarm besides feeling of insecurity among members of other religion and groups. The Ministry also had the information that the PFI, its members and office bearers are also indulging in many violent incidents and murders in Kerala that have created terror in the minds of the general public.
- 11.10.2 During the investigation of the said case it was found that the case bearing Crime no. 318/2022 of the PS-Palakkad Town South (Srinivasan murder case) was a connected offence as per Section 8 of NIA Act and as per report submitted by NIA, the Government of India, Ministry of Home Affairs directed NIA to investigate the FIR No. 318/2022 as a connected offence. It was found during the investigation that the PFI leaders and members conspired together to create terror and communal divide in the society, conducted an intense recce of several Hindu Leaders of that locality whom they had short listed using their "Reporter Wing" and subsequently selected and brutally killed one Srinivasan. There were 53 accused in the connected case Crime No. 318/2022 of Palakkad Town South PS, out of which two accused, namely Yahiya Koya Thangal (A-11) and C. A. Rauf (A- 12) were the common accused of the two cases. Hence, 51 accused in the connected case were arraigned as accused Nos. A-18 to A-68 in RC-02/2022/NIA/KOC. Investigation revealed that, the accused Popular Front of India (PFI), a registered society, its office bearers, leaders and members besides their affiliates, hatched a larger conspiracy in the last few years in Kerala and outside Kerala, with their agenda to overthrow the democracy and Constitution in India and to implement Islamic Rule in India by 2047. For this purpose, the PFI prepared structured stages of progression. Investigation revealed that the PFI used their 'Reporters' and 'Service Teams' to eliminate many targeted personalities in Kerala. The PFI, its office bearers and cadres had conspired to commit terrorist acts by killing any targeted person of another religion/section of the Society to create terror in the minds of other communities and the public at large. In furtherance to that, PFI leaders and cadres maintained intensive watch and reported on members of other religions, particularly the Hindu community and compiled the same for targeting through their 'Service Wing/Hit teams'.
- 11.10.3 This witness has stated that during the investigation it was revealed that some members of PFI were formerly associated with the proscribed organisation, Student Islamic Movement of India (SIMI), and had instilled SIMI ideology in its cadres to fight against non-Muslims to convert India into Islamic State through violent jihad and in the process, some of the cadres and leaders of PFI joined the proscribed terrorist organisation ISIS to further its activities in India and abroad. The investigation further revealed that the accused Mohammed Ali @ Kunhappu Haji @ Kunjappu Sahib @ Kunjappukka (A-13) being a member of Popular Front of India (PFI) and an ex-SIMI leader, a proscribed terrorist organisation, knowingly and intentionally

became a part of the larger conspiracy hatched by PFI. Being a part of a terrorist gang, he arranged and supervised the arms training for the cadres of PFI at Periyar Valley Trust and other places on various occasions in the last few years, as a part of the preparation for committing terrorist acts. (*Emphasis supplied*)

11.10.4 In his evidence, this witness has placed reliance on the redacted statements of protected witnesses as Ex. PW2/F. The relevant extracts of the said statements are reproduced as follows:

a. Protected Witness 1 - “*Popular Front is formed from NDF which was founded at Nadapuram. Former SIMI members found NDF while SIMI was banned and that the same members transformed it as Popular front while NDF was put under surveillance. Former SIMI cadres like Prof. P Koya, E Aboobacker and Muhammed Ali @ Kunjappu and others like C P Muhammed Basheer, Nasrudeen Elamaram, Yahya Thangal, P K Abdul Latheef, Karamana Ashraf Moulavi, C A Raoof, OMA Salam are now state leaders of Popular Front. Their aim is not for a Muslim organization. They do not agree with the ideologies of other Muslims organizations. They are introducing a special kind of Islam which I have never heard/learned.*”

b. Protected Witness 2 - “*Aboobacker Sahib, Professor Koya Sahib, E. M. Abdul Rahiman Sahib, Mohammedali @ Kunjappo Sahib who are all ex-SIMI leaders and the leaders of PFI I heard and attended various meetings conducted by them during 2010 to 2017, They still have SIMI ideology and incites the cadres to act against non-Muslims. They used to say that what we couldn't achieve through SIMI, will be achieved through PFI, our ultimate goal is Islamic Rule in India.*”(Emphasis added)

11.10.5 The witness PW2 in his evidence has also placed reliance on the statements of some other individuals recorded during the investigation of the case as Ex. PW2/G. The relevant extracts of such statements are reproduced as follows:

a. Statement of Shri Hussain Koya TK - “*The PFI leaders like Prof. Koya, Abubacker, E. M. Abdul Rahiman, Mohammedali @ Kunjappo were SIMI leaders and were also the leaders of NDF.*”

b. Statement of Shri Mujeeb Rahman P V - “*After formation of SIMI (Student Islamic Movement of India), I joined as a member of SIMI while I was doing BA at Islahiya College Chennnamangallur, Mukkam. In the year 1984, I was the District secretary of SIMI Kannur and continued for one year. Thereafter I was the manager of "Vivekam" a fortnight publication of SIMI. In 1985-86, I pursued B.Ed (Social Science and moral education) in Ramakrishna Mission college Mysore. In the year 1987, I was the District Secretary of SIMI Malappuram. In the year 1989-90, I was the Kerala State General Secretary of SIMI. In the year 1991, I retired from SIMI. Thereafter, I was the Secretary of ARDRA (Action for Rural Development and Research). That organization was discontinued after 5 years. In the year 1995, I was the Director of an NGO, Allama-Iqbal-Foundation Trust. I resigned that post in the year 2010. In the year 1995, I was an accused in Crime No. 194/95, Vengara PS related to pipe bomb case. The trial of the case was conducted and I have been acquitted from the charges. In December 2010, I joined PFI as a member of Pulickal unit and continued till its ban.*”

c. Statement of Mujeeb Yacoob - “*I know Karamana Ashraf Maulavi. He is the Vice President of All India Imam Council and also the in-charge of PFI Education Wing. He was the State President of PFI Kerala earlier. Abdul Sathar of Kollam is the General Secretary of PFI Sadiq of Pathanamthitta is the Secretary of PFI Pathanamthitta District. Shihas of Kottayam is the Zonal Secretary of PFI Ernakulam Zone! Usman of Thrissur is the State General Secretary of SDPI and also the member of PFI Yahya Koya Thangal is SEC member of PFI Kerala. He attended the "Jana Maha Sammelan" held at Alappuzha in 2022 in which PFI cadres raised hate sloganeering and he is an accused in that case. Kunjappo @ Mohammed Ali is from Malappuram and Ex-Leader and active member of PFI He was also ex-leader of SIMI.*”

d. Statement of Noufal V K- “*I used to call Muhammad Ali @ Kunjappo of Malappuram District while I was holding the charge of State Committee Member and District President. C T Sulaiman is a relative of my wife. I know OMA Salam and have communicated over the phone about a Second-hand Car that he is looking for. As a PFI cadre I have the usual phone calls with Nasarudeen and C P Basheer. I have phone contact with C A Raul I have Phone contact with P K Abdul Latheef. I knew that certain leaders including Muhammad Ali were former SIMI members.*”(Emphasis added)

e. Statement of Shameer P - *"I know Karamana Ashraf Maulavi was the State President of PFI. He was also SEC member and NEC member. He is the office bearer of All India Imam Counsel and also the National In-charge of national Education wing. Abdul Sathar was the State Secretary of PFI and presently he was General Secretary of PFI Kerala. Usman of Thrissur is active PFI cadre and State General Secretary of SDPI. Yahya Koya Thangal of Thrissur is the SEC member of PFI. CA Rauf of Pattambi is the Secretary of PFI. Mohammedali @ Kunjappo was former SIMI leader and National in-charge of PFI Expansion Wing. CT Sulaiman is a teacher and District President of Kasaragod."*

11.10.6 The testimony of Mr. Umesh Rai K. (PW2) has been successful in showing that the erstwhile members of the association SIMI, after its ban, had shifted to other organisations, particularly the PFI and have been continuously functioning under the garb of these organisations and in furtherance of the goals of the association SIMI. It has been shown that despite the ban, the office bearers/members of SIMI are still active in committing acts which are inimical to the religious harmony and peace and tranquility of the country.

11.11 Case Crime No. RC-14/2022/NIA/DLI and Case Crime No. ECIR/STF/17/2022—

11.11.1 The Notification dated 29.01.2024 mentions that the case Crime No. RC-14/2022/NIA/DLI has been registered by the National Investigation Agency (NIA) against E.M. Abdul Rehman, ex-National Secretary, SIMI, E. Abubacker, ex-State President SIMI and founding chairman of Popular Front of India, P. Koya, ex-SIMI member and founding member of PFI, A. S. Ismail, ex-SIMI member and State President of PFI, Tamil Nadu. Accused were conducting meetings for expansion of PFI (banned organisation) through radicalising and recruiting Muslims, providing weapons training classes across the country under the garb of 'Beginners Course' and other seemingly innocuous programs, collecting funds and facilitating funds to persons for commission of unlawful activities and were involved in a conspiracy to commit violent, unlawful and terrorist acts. All the aforesaid accused were charge-sheeted on 18th March, 2023.

11.11.2 The Notification further states that Case Crime No. ECIR/STF/17/2022 has been registered by the Directorate of Enforcement against the office bearers, ex-SIMI members and cadres of PFI (now banned), along with others, for conspiring and raising or collecting funds within India and abroad through banking channels, Hawala, donations, etc. for committing or getting committed, terrorist acts across India. These cadres and members are also involved in activities supporting and furthering the proscribed terrorist organisations like SIMI and ISIS.

11.11.3 For the case Crime No. RC-14/2022/NIA/DLI, the Government has examined Mr T. V. Rajesh, Deputy Superintendent of Police, National Investigation Agency, Hyderabad as the witness PW38 who has filed his affidavit of evidence Ex. PW38/A.

11.11.4 He has stated that the Case Crime No. RC-14/2022/NIA/DLI was registered under Sections 120B and 153A IPC, and Sections 17, 18, 18B, 20, 22B, 38 and 39 of the UAPA against E.M. Abdul Rehman (A-2), ex-National Secretary, SIMI, E. Abubacker (A-6), ex-State President SIMI and founding chairman of Popular Front of India (PFI), P. Koya (A-7), ex-SIMI member and founding member of PFI, A.S. Ismail (A-10) ex-SIMI member and state president of PFI, Tamil Nadu and others for conspiring and raising or collecting funds from within India and abroad for committing or getting committed, terrorist acts in various parts of India including states of Kerala, Tamil Nadu, Karnataka, Uttar Pradesh, and Delhi. In pursuance of the aforementioned conspiracy, they were also involved in radicalising and recruiting Muslim youth to join proscribed organizations like ISIS and sacrifice their lives for religion and for provoking them to commit violent and unlawful activities. The case was registered on 13.04.2022 at NIA, New Delhi with the allegations that the office bearers, members and cadres of Popular Front of India (PFI), having an office at 2nd Floor, Kalindi Kunj, Noida Road, New Delhi and having offices all over India, along with others, are conspiring and conducting meetings for expansion of PFI (banned as an Unlawful Association by the MHA on 27.09.2022) through radicalizing and recruiting Muslim persons, providing weapons training classes across the country under the garb of 'Beginners Course' and other seemingly innocuous programs, collection of funds and facilitating funds to persons through banking channels, Hawala, donation etc. for commission of unlawful activities and was involved in conspiracy to commit violent, unlawful and terrorist acts in various parts of India.

11.11.5 After investigation, Chargesheet No. 12/2023 was filed against 20 accused persons, including the organization PFI on 18.03.2023 before the NIA Special Court in New Delhi. Subsequently, a supplementary chargesheet was filed on 19.04.2023, against the accused Ibrahim Puthanathani. The Investigation has revealed that the accused persons were also involved in promoting enmity among different groups, thereby causing communal disharmony in the society through social media and other platforms. As per Para 16.6.5 of the Chargesheet, PFI has had the most visible presence in Kerala, where it has been repeatedly accused of murder, rioting, intimidation, and having links with terrorist organisations. In 2012, the Kerala government had informed the High Court of Kerala that PFI was "a Muslim fundamentalist Organization and nothing but a resurrection of the banned outfit Students Islamic Movement of India (SIMI) in another form". The

government Affidavit stated that PFI activists had been found involved in 27 cases of murder, mostly of CPM and RSS cadres, and that their motives were violent and communal. As per the Charge sheet, investigation has revealed that the unlawful and terrorist activities were being carried out by developing a mass organization that was purportedly a socio-political movement, whereas at the same time, a very motivated and secretive elite force was being created within the larger organisation that was intended to create an army and generate resources to wage war against Indian Government and to disintegrate Indian polity, democracy and the Government to establish an Islamic Caliphate in its place. The Investigation also further revealed the organizational structure of the PFI. (*Emphasis supplied*)

11.11.6 The objectives and vision of the PFI and the means to achieve the same are enshrined in the document titled '*India 2047: Towards Rule of Islam in India*' which was seized during the investigation of the case. The salient points recorded in the document are as follows:

- i. Establishment of Rule of Islam in India.
- ii. Political power to Muslims & establishment of Islamic Government in India in 2047.
- iii. Strengthening at least 10% of the Muslim population and associating them with the PFI to subjugate the majority community and bring back the glory of Islam. Four stages of progression towards Islamic rule –
 - a. Unite Muslims & provide weapons training to PFI cadres,
 - b. Selective use of violence to demonstrate strength and terrorize opponents,
 - c. Alliances with SCs/STs/OBCs to divide Hindus for political gains &.
 - d. Infiltrate Police, Army and Judiciary.
- iv. After completion of all 4 stages, unveil a new Constitution based on Islamic Shariah law with the help of external forces.
- v. To organize Physical Efficiency (PE) training under the guise of Yoga Classes & 'Healthy People Healthy Nation' and such like campaigns.
- vi. Training of PFI cadres in handling of weapons, arms and explosives.
- vii. To acquire plots of land in Muslim-dominated localities or remote locations for training and stock-piling of weapons and explosives.
- viii. Identification, reconnaissance and elimination of all those who do not believe in the establishment of Islamic rule in India.

11.11.7 Investigation showed that the National Executive Council of PFI had devised a well-planned strategy to wage a large-scale war against the Government of India by recruiting/ collecting and training radicalized Muslim men to use arms and weapons who pledged their allegiance to PFI by administration of the oath of secrecy and loyalty (baith). These men were trained to use deadly weapons in various training camps/arms training camps to raise a well-trained army of radicalized and fundamentalist Muslim Army/ Militia of Mujahideen. It was intended by PFI that its Army/ Militia shall wage a war to disintegrate and dismember the Indian Republic constituted by the Constitution of India, both geographically and politically and to establish an Islamic Caliphate in its place ruled by an Amir (President) based on Shariat/Islamic Law.

11.11.8 Investigation revealed that PFI cadres have been involved in a series of murders, including those of leaders of organisations who are at variance with PFI on religious ideas, and the motives were communal. A few of such incidents are as below:

- i. Professor Hand chopping case: On 04.07.2010, eight PFI activists chopped off the right palm of a College Professor T.J. Joseph near Muvattapuzha in Kerala for his alleged derogatory references to Prophet Mohammed in an Examination Question paper.
- ii. Sashi Kumar Murder Case: On 22.09.2016, Hindu Munani activist Sh. Sasi Kumar was brutally murdered by PFI members in Coimbatore, Tamil Nadu.
- iii. Rudresh Murder Case: On 16.10.2016, four PFI members committed the brutal murder of RSS leader Sh. Rudresh in Bangalore, when he was returning home after attending the RSS route march.
- iv. Ramalingam murder Case: On 05.02.2019, PFI activists murdered Sh. Ramalingam in Thirupuvanam in Thanjavur District in Tamil Nadu for "interfering in religious propagation activity."

- v. Sanjith murder case: RSS worker Sh. Sanjith was brutally murdered on 15.11.2021 by four PFI activists in Palakkad District, Kerala, when the victim was travelling with his wife.
- vi. Srinivasan murder case: On 16.04.2022, Sh. Srinivasan, an RSS office bearer was brutally murdered in his shop with swords and knives by a six member gang of PFI at Palakkad District of Kerala State.
- vii. Praveen Nettaru murder case: On 26.07.2022, Sh. Praveen Nettaru, an RSS member, was brutally murdered by the PFI cadres in Dakshina Kannada District of Kamataka in front of his business premises. Investigation reveals that PFI had been using several Social Media platforms including Facebook, Instagram, Twitter etc. to propagate its ideology.

11.11.9 The interrogation of the accused persons in the said case and the analysis of the technological devices recovered from their possession revealed that the accused persons/PFI cadres were maintaining a database of detailed information about the leaders of certain organisations who oppose the ideology of PFI. This information was being collected by the PFI cadres in local areas after conducting reconnaissance of aforesaid leaders/persons. This database includes minute details of the identified persons, such as names, parentage, addresses, photographs, occupation, post/designation in the organization, physical attributes of the person, vehicles used by them, timings of leaving/entering the house, mounting of surveillance on targets then identifying their regular travel routes etc. There were provocative photos, videos, and pamphlets about sensitive issues like the Babri Masjid demolition, and the Gyanvapi Mosque matter. In these videos/photos/pamphlets, the accused persons/PFI cadres used the term 'Shaheed' (Martyr) for Babri Masjid and were advocating the use of violence against the people not conforming to the PFI's ideology. Many incriminating videos & documents like Voice of Khurasan, Sawat Al Hind published by ISIS and similar foreign Jihadi groups, documents published by Al-Sahab media on Kashmir, Martyrdom operations and some training/motivating videos released by ISIS & Al-Qaeda were also found. There were videos of senior PFI leaders/NEC members openly making highly provocative speeches, inter alia, calling the Indian Government to be Anti-minorities. In these videos, the accused persons/PFI cadres were instigating the crowd to protest against the Government. Detailed examination of the Protected Witnesses during the investigation revealed that the organisation, Popular Front of India (PFI) had devised strategies to implement their long-term goal of establishing an Islamic Caliphate by overthrowing the democratically elected Government of India through armed rebellion.

11.11.10 It is stated by this witness that the PFI emerged in the aftermath of the ban on the Students Islamic Movement of India (SIMI). Most former leaders of SIMI were either identified with PFI or were holding various portfolios in the organization. As per para 16.6 of the Charge-sheet, the PFI is an extremist Islamic organization that was formed in the year 2006 with the merging of 3 Muslim organizations with extremist ideologies namely the National Democratic Front, Manitha Neethi Pasaarai and Karnataka Forum for Dignity. Manitha Neethi Pasaarai (MNP) and Karnataka Forum for Dignity (KFD) were formed in the year 2001 after the declaration of the Students Islamic Movement of India (SIMI) as an 'Unlawful Association' under UAPA. Incidentally, a few members of the core leadership of erstwhile SIMI, came together to form the top leadership of the PFI. Most former leaders of SIMI were found either involved with the PFI in various capacities or were holding various portfolios in the organization. Para 16.6.5 of the Chargesheet reveals that in 2012, the Kerala government had informed the High Court of Kerala that PFI was "*a Muslim fundamentalist Organization and nothing but a resurrection of the banned outfit Students Islamic Movement of India (SIMI) in another form*". The government Affidavit said that PFI activists had been found to be involved in 27 cases of murder, mostly of CPM and RSS cadres, and that their motives were violent and communal. E. Abubacker (A-6), who is a senior member of the National Executive Council (NEC), the apex decision-making body of PFI, was SIMI's former State President for Kerala. E. M. Abdul Rehman (A-2), PFI's National Chairman in 2010, was the former National Secretary of SIMI. Accused P. Koya (A-7), accused Mohammed Ali Jinnah (A-9) and accused A. S. Ismail (A-10) were active members of the Students Islamic Movement of India (SIMI), before its banning. The NIA has filed the chargesheet mentioning 243 witnesses in support of its case. It has also filed 184 documents with the chargesheet. (*Emphasis supplied*)

11.11.11 At this juncture, it is relevant to mention that the investigation of the Case Crime No. RC-14/2020/NIA/DLI revealed a widespread large-scale collection and routing of funds for subversive activities. Accordingly, the Directorate of Enforcement initiated an investigation against the office bearers, members and cadres of Popular Front of India (PFI) under the Prevention of Money Laundering Act (PMLA), 2002 vide ECIR/STF/17/2022 dated 21.09.2022 based on FIR No. RC-14/2022/NIA/DLI.

11.11.12 The Government examined Mr Ankur Sharma, Assistant Director, Enforcement Directorate, STF-HQ, New Delhi regarding the case bearing No. ECIR/STF/17/2022. He has deposed as the witness PW34 vide his affidavit of evidence Ex. PW34/A. He has stated that the Directorate is investigating Popular Front of India (PFI) & its related individuals/entities under the Prevention of Money Laundering Act (PMLA), 2002 vide ECIR/02/HIU/2018 dated 02.05.2018 based on various cases registered by the National

Investigation Agency (NIA) and other Law Enforcement Agencies invoking Scheduled offences under Sections 120-B, 121, 121A of IPC, Sections 3, 4 & 5 of the Explosive Substances Act, 1908, Sections 25 & 27 of the Arms Act and Sections 13, 16, 17, 18 & 18(A) of the UAPA. He also stated that certain persons who have been cited as accused in the Scheduled offence and also the subject of investigation of the PMLA case, have been also found to have links with the Students Islamic Movement of India (SIMI) in the past as per information available in open source and from the Chargesheet filed in the predicate offence (i.e. FIR No.RC-14/2022/NIA/DLI) by NIA, New Delhi. The details of such individuals are as under:

- a. E.M. Abdul Rahiman
 - Former general secretary of SIMI (1982-1993).
 - Vice-Chairman of PFI at the time of its declaration as an unlawful organization on 27.09.2022.
 - Held various positions in PFI's National Executive Committee and authorized signatory in several PFI bank accounts which had a total cash credit of Rs. 3,24,09,529.50/-.
- b. Professor P. Koya
 - Founding member of SIMI.
 - Member of PFI's National Executive Committee served as Treasurer (2018-2020), and Editor in Chief of PFI's publications.
 - Involved in the decision-making and financial activities of PFI.
- c. E. Abubacker
 - Headed SIMI's Kerala unit (1982-1984).
 - Chairman of PFI (2018-2020) and involved in the decision-making at the National Executive Committee level.
 - Founding chairman of PFI, SDPI (political party), and Rehab India Foundation (NGO and charity wing of PFI).
 - He was an authorized signatory in some of the bank accounts of PFI having cash credit of Rs. 4,10,72,736/-.

11.11.13 Witness PW34 has deposed that the investigation by the ED has found clear links between PFI and SIMI through the involvement of former SIMI members in PFI's organizational structure and activities. These individuals played significant roles in PFI, furthering its agenda which was in line with SIMI's extremist ideology. (*Emphasis supplied*)

11.12 Case Crime No. RC-01/2023/NIA/DLI - The Notification dated 29.01.2024 states that the Case Crime No. RC-01/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre A. R. Qureshi. He along with his associates hatched the conspiracy to join ISIS for the cause of Islamic Jihad and targeted killing in India. He has been chargesheeted in the instant case under the UAPA.

11.12.1 For this case, the Government has examined Mr Wanenlo Woch, the Additional Superintendent of Police, NIA, Kolkata as the witness PW37 who filed his affidavit of evidence Ex.PW37/A. He has stated that on 06.01.2023, a team of STF, Kolkata Police, apprehended Md. Saddam Hussain and Sayeed Ahmed after intercepting their motorcycle. Two mobile phones, incriminating Jihadi documents, several debit/credit cards, etc. were recovered from them. During the interrogation of Md. Saddam Hussain and Sayeed Ahmed, it was revealed that they had conspired to wage war against the Government of India by means of terrorist attacks on government establishments and common people. A case FIR number 01/2023 dated 06.01.2023 was registered at PS – STF, Kolkata Police under Sections 120B, 121, 121A, 122 and 123 of IPC. During the investigation, A3-Abdul Rakib Qureshi @ Kureshi was arrested from Khandwa on 09.01.2023. He is a member of SIMI and from his possession, several incriminating articles were recovered.

11.12.2 It transpired during the investigation that the accused persons were members of ISIS and SIMI and they used social media platforms to conspire with their associates. They shared Jihadi articles and videos for radicalising the vulnerable Muslim youths for jihad and for sending them to Khorasan, Afghanistan. They were also in touch with one Amina Bint Munnavvar, who was house arrested in Singapore concerning criminal activities. Considering the significance of the discoveries made, the case was re-registered by the NIA as RC-01/2023/NIA/DLI as per the order dated 06.02.2023 of the MHA. (*Emphasis supplied*)

11.12.3 It was found that Abdul Rakib Qureshi @ Kureshi came in contact with SIMI members, Akhil Khilji, Amjad and Zakir while he was in college. Analysis of the chats between Md. Saddam Hussain and Abdul Rakib Qureshi @ Kureshi corroborated the fact that they were conspiring to target killing of the owner of the

Sudarshan TV channel, Suresh Chavhanke and the renowned Hindu priest, Yati Narasimhanand Saraswati. They were also found to be engaged in the recruitment of Muslim youth for ISIS and for further sending them to Khorasan for terrorist activities. It was revealed that Abdul Rakib Qureshi @ Kureshi had shared information regarding the arrest of ISIS and SIMI members by the Indian security agencies.

11.12.4 It was also revealed that Abdul Rakib Qureshi @ Kureshi was convicted and sentenced to 10 years imprisonment for harbouring the offenders of the case FIR no. 14/2009, PS Kotwali which was registered regarding the attempt to kill the BJYM City president, Pramod Tiwari and Raju Dubey. Subsequently, another case No. 424/14 was registered at MP Nagar police station against the said Abdul Rakib Qureshi @ Kureshi and his associates when they had shouted slogans against the Prime Minister and in support of the Taliban. They had also threatened to eliminate the Prime Minister of India. In this case, they were sentenced to 3 years imprisonment. In the year 2019, Abdul Rakib Qureshi @ Kureshi was released on bail by the Madhya Pradesh High Court with legal help provided by Jamiyat ul Ulema Hind. In the year 2020, he came in touch with Amina Bint Munnavar and with his help he contacted Saddam Hussain for propagating the activities of ISIS and the recruitment of Muslim youth into its fold. He was also trying to procure weapons for target killings and ISIS activities. Saddam Hussain and Abdul Rakib Qureshi @ Kureshi were building separatist and militant movements in India. On completion of the investigation of NIA Case No. RC-01/2023/NIA/DLI, charge-sheet was filed under Sections 120B of IPC, 18, 20, 38 & 39 of UAPA. The chargesheet mentions that a detailed analysis of the seized digital devices of Md. Saddam (A-1) established that A-1 stored different online magazines of ISIS in his mobile phones like "*Dabiq*, *Voice of Hind*" and its Bengali version, namely "*Hind-er-Awaz*", in SD Cards etc. and used them for radicalization, recruitment of more Muslim youths, spread hatred and to target prominent persons of India. A total of 148 incriminating videos on ISIS/Jehadi activities like brutal killing of security force personnel, speech on radicalization, attacks on common people, hanging of non-believers of Islam, links for preparation of making of explosives, etc. were retrieved. Retrieved Telegram chats of A-1 with one Farhan Javed contain one proforma of the "*Baith*" (allegiance to ISIS), which is used as an oath for the recruitment of new members in ISIS. Similar digital material was also recovered from the devices of A-3, Abdul Rakib Qureshi @ Kureshi. The trial of the case RC-01/2023/NIA/DLI is still pending in the court concerned.

11.13 Case Crime No. 203/2022, PS- Padgha, Thane (R)-To declare SIMI an unlawful association vide the Notification dated 29.01.2024, the Government has further relied on Case Crime No. 203/2022 which has been registered at Padgha Police Station, Thane (R) under Sections 153(a), 153(1)(a)(b) and 153(2) of the Indian Penal Code for writing of provocative text on Jamma (Moti) Mosque Padgha, Borivali, Thane to create a communal rift between two religions or communities and lead violence and increase enmity between the two groups and disrupt social harmony. The case is pending trial in court.

11.13.1 For this case, the government has examined the witness Mr. Rahul Ramchandra Zalte, Deputy Superintendent of Police, Ganeshpuri Division, Dist. Thane (Rural), Maharashtra as the witness PW23 who has tendered his evidence as the affidavit Ex. PW23/A. He has stated that Crime No. 203/2022 was registered at Padgha Police Station under Sections 295A, 153A(1)(a), (1)(b) and (2) of the Indian Penal Code. It was initially investigated by Sr. Police Inspector Dinesh Manohar Katake during his tenure at Padgha Police Station from 01.01.2020 to 29.11.2022.

11.13.2 On 17.06.2022 the accused Kasib Sattar Balere wrote provocative messages in Urdu and displayed them at two Masjids, Jama Masjid (Big) and Small Masjid, in Borivali village, Tal. Bhiwandi, Dist. Thane. The messages were intended to promote religious disharmony and disturb public tranquility by causing enmity between communities. He used his influence to provoke community members, leading to potential conflicts. He was arrested on 21.07. 2022, and is currently in judicial custody. Photocopies of the provocative messages written in Urdu were seized and a seizure panchanama was conducted on 27.06.2022. Photographs of the messages were taken and the contents were translated from Urdu to Hindi by an expert. The translation of the said message, as filed with the affidavit is as follows:

"Islam Jindabad 16 saali Mudassir apne maa baap ka akela beta gustakhane - rasool ke julus (mohammad paigambar ka apman karnewale ke khilaf andolan/rally) me Jharkhand-Ranchi me naare baaji karke apna gussa nikal raha tha. Usne sirf islam jindabad kaha aur ek police officer ki riffle se goli chali vo goli uske mathepar lagi aur vo allah ko pyara ho gaya usne apne is kaam se sabko ye bata diya ke gustakhane - rasool me police ki goliya shikar hua allah unki kurbaniyo ko kabool kare aur bhagwa dahshatwadiyo ko unki kiye ki saja de (amin). Spain jahan musalmanone 750 saal tak raaj kiya jab wahan islam ko Idbatm kame ki koshish shuru hui to sabse pehle hoozor (mohammad paigmnar) ka apman karna shuru kiya. Aur dhire dhire islam khatm ho gaya. Bhagwa dahshatwadi bhi bharat me usi tarah karna cbahte hai. Magar unhe ye malum nahi ki Mudassir aur Sahil ki tarah unke yuva bharat me hai jo islam ke liye ladhne aur use jinda rakhne ko tayyar hai. Samay aa gaya hai ki bar musalman ko vishesh yuvao ko tay kar le ki, unhe bejjat hokar mama pasand hai ya yodha ki tarah ladhte huye veer maran chahiye. In sab me ye baat dhyaan rakhe ki dhame - andolan lok

tantra ki den hai aur islam jihad air kattal (maramari) ka rasta dikhata hai. Hojoor (mohammad paigambar) ka apman karne wale aur wali ka sirf ek hi ilaj hai sar dhad se alag. Aaj ki halat me apne aap ko ekjoot karo aur islam ke dushmano ka ilaj jihad se kame ki jaroorat hai. Ese halato me bhi hamari dini jamate chup hai unhe saap sung gaya hai. Ese me yuvao ko eksath mil kar ek taakat bankar gustakhane rasool (mohammad paigambar ka apman kame walo ka) sar dhad se alag kare. Sahil aur Mudassir ka uthaya hua kadam aur shahapur ke Aslam aur Salman ne jo kiya wo hamare pyare nabi ki mohabbat par chalne ki dawat de raha hai. Isi me hamari duniya me ijat aur akherat me (marne ke baad) kamyabi hai. Allah ham sab ko din ke maarae aur khud ko mar mitane ki taakat de, aur usko bahot nek silah dono jahan me de (amin, summa amin)."

11.13.3 It is stated by the witness that Kasib Sattar Balere is a member of SIMI and is engaged in activities that cause communal disharmony and threaten national security. (*Emphasis supplied*)

11.13.4 The witness stated that SIMI aims to disturb communal harmony and promote terrorism. The seized materials and statements reveal plans to incite violence and promote SIMI's agenda. SIMI's activities pose a significant threat to national integrity and sovereignty. He further stated that lifting the ban on SIMI would enable its activists to engage in terror acts, undermining the law and order situation in the country.

11.13.5 Charge Sheet was filed on 17.09.2022, in the court of the JMFC, Bhiwandi, and registered as RCC No. 1117/2022. The FIR and charge sheet detail the unlawful activities and materials seized from the accused. The trial is ongoing, with charges yet to be framed as of 21.04.2024.

11.14 Case Crime No. 15/2023, PS- Padgha, Thane (R) - Case Crime No. 15/2023 has been registered at Padgha Police Station, Thane (R) under Sections 37(1)(3), 135 of the Maharashtra Police Act, 1951, read with Section 194(d), 129, 177 of the Motor Vehicles Act, 1988, for raising slogans and holding rally for getting the bail to Atik Nachan in Ahmedabad NIA Court and violation of prohibition order of Collector and District Magistrate, Thane. The case is pending for trial in court.

11.14.1 For this case, the Central Government has examined Mr. Amol Nandkumar Salunkhe, Assistant Police Inspector, Padgha Police Station, Thane Rural, Maharashtra as the witness PW21. He filed his evidence by way of the affidavit Ex. PW21/A. He deposed regarding the evidence and ongoing investigations related to Crime No. 15/2023, which involves members of SIMI, justifying the continued ban on the organization. Crime No. 15/2023 was registered at Police Station Padgha under Sections 37(1)(3) r/w 135 Maharashtra Police Act, 1951 and Sections 129 and 177 of the Motor Vehicles Act, 1988. The investigation was handed over to Mr. Salunkhe during his tenure at Padgha Police Station.

11.14.2 The witness has stated in his affidavit of evidence that on 11.01.2023 Police Constable Rupesh Jadhav registered FIR No. 15/2023 against the accused persons, namely Rehan Ashpak Suse, Musab Hasib Mulla, Abdul Kadir Suse, Kasif Sattar Balere and Atif Atik Nachan for violating prohibitory orders issued by Collector and District Magistrate, Thane and conducting an unlawful assembly. The accused, along with 25 to 30 others, gathered and held a procession despite prohibitory orders issued by the Collector and District Magistrate, Thane. They raised slogans and drove motorcycles and four-wheelers without permission.

11.14.3 Accused Kasif Sattar Balere was a prominent figure in organizing the procession. He actively led the group and ensured the participation of others. He was identified as an active member of SIMI, involved in promoting its activities. Atif Atik Nachan is another main accused in the case. He has previously been arrested by Ahmedabad NIA under the Explosive Substances Act. (*Emphasis supplied*)

11.14.4 Motorcycles and four-wheelers used in the unlawful assembly and procession were identified and noted. Video clips of the procession and activities of the accused were recovered from the complainant's mobile phone and transferred to a pen drive as evidence. Statements from the complainant and other witnesses were recorded, confirming the involvement of the accused.

11.14.5 The accused Kasif Sattar Balere was identified as an active member of SIMI, with confidential records from Padgha Police Station confirming his association with the banned organization. It is relevant to mention that this Confidential Record has been produced before this Tribunal by the witness Kishor Vasudeo Parab, Assistant Commissioner of Police, Anti Terrorism Squad, Mumbai, Maharashtra while deposing as PW25. The same has been perused by the Tribunal and it was found to be containing records about the relation of the said accused with SIMI.

11.14.6 It is further deposed by the witness that the charge sheet was filed in the Court of Judicial Magistrate First Class (JMFC), Bhiwandi, and charges were framed on 14.03.2023. The trial is ongoing, with charges framed against the accused.

11.14.7 The witness has stated in his affidavit that SIMI's objectives include establishing Islamic rule in India, propagating Islam, and conducting Jihad for the cause of Islam. The accused, particularly Kasif Sattar Balere, have been identified as members of SIMI, engaging in activities that promote communal disharmony and

threaten national security. It is further stated that SIMI's activities aim to disturb communal harmony and promote a Pan-Islamic fundamentalist agenda. It is stated that SIMI's activities pose a significant threat to national integrity and sovereignty.

11.15 Case Crime No. 95/2008 Police Station- Kotwali, Bhopal: The Gazette Notification dated 29.01.2024 further mentions that three SIMI activists have been sentenced three years simple imprisonment and fine of rupees ten thousand each under Section 419 of the Indian Penal Code, two years simple imprisonment and fine of rupees ten thousand each under Section 10A of the UAPA, seven years simple imprisonment and fine of rupees ten thousand each under Section 13(1)(a), 13(1)(b) of the UAPA and five years simple imprisonment and fine of rupees ten thousand each under Section 13(2) of the UAPA by the Court of Additional Chief Judge, Bhopal in Case Crime No. 95/2008 registered at Kotwali Police Station, Bhopal under section 419 of Indian Penal Code and Section 10, 13 of the UAPA.

11.15.1 Mrs. Anita Prabha Sharma, A.C.P., Kotwali Sub Division, Bhopal, Madhya Pradesh has been examined as the witness PW16 with respect to this case. In her evidence, she tendered her affidavit Ex. PW16/A. She has stated that on 19.04.2008, Mr. Virendra Mishra, SDOP, Narsingharh District Rajgarh, informed Inspector PS- Kotwali that the accused Kamruddin and Safdar Nagauri, earlier arrested in Case Cr. No. 142/08, Police Station Narsingharh, had taken a house on rent Near Imami Gate in Bhopal and were carrying out the activities of the banned organization SIMI from there for the last two years. In inquiry, the landlord, Azizur Rahman @ Aziz Mian, and the neighbours said that in the month of March, 2006, a person giving his name as Irfan, and stating himself to be a resident of Narsingharh, rented a ground floor at Rs. 1600/- per month. He told the landlord that an elder Maulana and a younger Maulana will also stay with him. When he was shown the photos of the said individuals published in the newspaper, the landlord and neighbors identified the three persons. It came to be known that the man who had given his name as Irfan was in fact, Qamaruddin and his other companions, the elder and the younger Maulana were respectively, Safdar Nagori and Hafiz Hussain.

11.15.2 The house was raided after breaking the locks. Urdu literature related to SIMI and other objectionable documents were seized. The said documents have also been produced before the Tribunal in the form of copy of the case diary of the case. It is stated by this witness that the investigation also revealed that all the above accused were secretly carrying out the activities of SIMI organization by changing their names and were also in contact with other persons of Hyderabad for targeted killings.

11.15.3 The Court of Additional Chief Judicial Magistrate, Bhopal after considering the evidence adduced in the case and hearing the prosecution and the defence had convicted and sentenced all the three accused persons vide the judgment dated 22.06.2019 in R.T. No. 14638/2019 in Cr. No. 95/08. The copy of Judgment dated 22.06.2019 and its English translation were relied on by the witness as Ex. PW16/E. In order to show the connection of the convicts of the case to SIMI, it is justified that the relevant extract of the translation of the judgment is reproduced. The same reads as follows:

“In this case, there is no direct evidence of the crime the accused have been accused of, but it is a serious crime committed in pursuance of deceit. On behalf of the accused, it has been argued that there is no evidence that the accused are members of SIMI organization. From the documents available in the case, it is a clear fact that the accused worked as members of SIMI organization. It is not possible to give certificate to any accused for any crime and the crime is detected from the presumption of illegal act and circumstances and other evidence. In the case, no evidence has been presented that the books seized by the accused were bought by every person and found at every place.” (Emphasis added)

11.15.4 The judgment examines the evidence in great detail and then concludes with the conviction of the accused persons for the offences punishable under section 419 of the Indian Penal Code and Sections 10A, 13(1)(a), 13(1)(b), 13(2) of the UAPA.

11.16 Case Crime No. 456/2009, Police Station - BNP, Devas: The Notification dated 29.01.2024 further mentions that two SIMI activists have been sentenced to life imprisonment and fine of one thousand each and in default of payment of fine to extra six months imprisonment under Section 395 and 397 of Indian Penal Code by the court of Special Judge, NIA, Bhopal in Case Crime No. 456/2009 registered at BNP Police Station, Devas under Section 395, 397 of Indian Penal Code and Section 10, 13, 16, 17, 20, 21 of the UAPA and section 25, 27 of the Arms Act, 1959.

11.16.1 Regarding this case, the Government has examined Mr. Sanjay Sharma, Deputy Superintendent of Police, (LR/HQ), Dewas, Madhya Pradesh as the witness PW14. He has tendered his evidence in the form of the affidavit Ex. PW14/A. He deposed in his affidavit that the said FIR was registered on the basis of the information received from Mr Amit Kumar Mittal, an official of Bank of India, Vijay Ganj Mandi branch. He has stated that on 24.08.2009, at about 4:45 PM, four unknown miscreants, armed with pistol and other weapons, entered the bank and threatened the cashier and the peon. They locked them in the stationery room

and thereafter robbed a sum of Rs. 9,62,000/-. The FIR was registered for the offences under Section 395 and 397 IPC and Sections 3, 10, 13, 16, 17, 20 & 21 of the UAPA and the investigation was started.

11.16.2 The ATS received information that the suspected offenders Abu Faizal, Mohd. Iqar and Aijazuddin were coming to Bhopal by Jansatabdi Express, on 05.06.2011 at around 01:00 AM. The team of ATS, Bhopal reached Habibganj Railway station. There, the said accused persons were apprehended with firearms and ammunition. Incriminating books and other material were also seized from their possession. In relation to the recovery of the said articles, another case bearing Crime Case No. 4/11 under Section 25/27 of the Arms Act and Sections 3, 10 & 13 of the UAPA was registered. In their confession these accused persons admitted themselves to be the members of the Indian Mujahideen and SIMI. They admitted committing the bank robbery in order to activate the association SIMI and they had used the money to strengthen the said organization.

11.16.3 In the aforementioned offence relating to the Crime Case no. 456/09 PS-BNP, the Special Judge-NIA, Bhopal, Madhya Pradesh vide the judgment dated 11.12.2020 convicted the accused Abu Faizal and Mohd. Iqar for the offence punishable under Section 395 read with Section 397 IPC. The accused Aijazuddin was killed in a police encounter on 04.04.2015. The witness has also relied on the copy, Ex. PW14/E, of the judgment dated 11.12.2020 in his evidence.

11.17 Crime No. 35/2011, Police Station - GRP Ratlam, Indore (Rail): The Notification dated 29.01.2024 also refers to this case and states that one SIMI activist has been sentenced to life imprisonment and fine under Section 302, 307 of Indian Penal Code and Section 16(1)(a) of the UAPA by the court of Special Judge, NIA, Bhopal in Case Crime No. 35/2011 registered at GRP Ratlam Police Station, Indore (Rail).

11.17.1 Regarding this case, the witness Mr. R. K. Singh serving as DSP Railway, Indore, Madhya Pradesh has been examined as the witness PW15. He has tendered his evidence by way of the affidavit Ex. PW15/A. He stated that on 03.06.2011, Complainant SI Manish Dubey, In Charge ATS reported to the Police Station that at 04.30 PM, he received information to the effect that Zakir Hussain who was the prime accused in the murder of ATS Const. Sitaram, committed in Khandwa district in the year 2009 and who was wanted by the police for a long time, is in Ratlam with another miscreant. It was informed that the said accused was about to leave the locality of Mochipura, Ratlam in a Tempo vehicle.

11.17.2 SI Manish Dubey along with Const. Shiv Pratap and Const. Jitendra Kumar reached Mochi Pura, Ratlam. However, by that time, the two suspects had already boarded a Tempo. When the Tempo reached near Sharma Restaurant, they both got down. They were followed by the above said police officials on two separate motorcycles. Const. Jitendra Kumar and Const. Shiv Pratap tried to apprehend the accused Zakir Hussain, but he fired at them with an intention to cause their death. Constable Jitendra sustained a gunshot wound in his left elbow while Constable Shiv Pratap sustained gunshot wound on his right shoulder. SI Manish Dubey fired three rounds from his service weapon in defense. By that time, the other suspect had also opened fire from his weapon. One bullet hit the right thigh of SI Manish Dubey. As he was engaged in assisting the injured Constables, the accused persons managed to escape. During treatment Const. Shiv Pratap succumbed to his injuries. Consequently, case crime number 35/11 was registered at PS – GRP, Ratlam. After some time, the accused Zakir Hussain was apprehended in an injured condition while the accused Farhat was apprehended subsequently. The case was investigated in detail. During the investigation, it was revealed that the offenders were assisted by their associate Nizamuddin, who had given his SIM card to be used by the accused Zakir, which the said accused had used to conduct the activities of the proscribed association SIMI. Thereafter, the said accused Nizamuddin was also arrested.

11.17.3 While placing reliance on the certified copy of judgment dated 15.03.2019 in S.T. Reg. No. 9600298/2014 and its English translation as Ex. PW15/E, the witness stated that vide this judgment, the Special Court for Trial of NIA Cases, Bhopal, convicted the accused Mohammed Farhat for the offence punishable under Section 302, 307 IPC, and Section 16 (1)(a) UAPA and sentenced him to life imprisonment. The accused Zakir Hussain was killed in a police encounter in the jurisdiction of Gunga Police Station, District Bhopal on 31.10.2016. The accused Nizamuddin was acquitted of all charges. The State has preferred an appeal against this acquittal before the Madhya Pradesh High Court. This witness has stated that despite the ban on the association SIMI its members/sympathisers are still indulged in unlawful activities. That the investigation of the case has shown the involvement of the sympathisers of this organisation in the offence as mentioned above.

12. In addition to the above mentioned witnesses which have been examined by the Union of India with respect to the cases pertaining to SIMI stated in the Notification dated 29.01.2024 and the Background Note, the following witnesses have also been examined before the Tribunal to show that the individuals connected with the SIMI are continuing with unlawful activities.

12.1 PW1 Mr Putta Vimaladitya, IPS is the DIG, ATS, Kerala. In his evidence by way of affidavit Ex. PW1/A, he has deposed with respect to 6 cases relating to the members of SIMI and pertaining to the State of Kerala.

12.1.1 Mr. Vimaladitya has deposed that the Crime number 257/2008, PS Mundakayam of Idukki District, Kerala was registered under Sections 122, 124A, 153A, 120B IPC and 10 and 13 of the UAPA and Section 25, 27 of Arms Act. It is alleged in this case that the members of SIMI had assembled at an isolated place and conducted physical training and arms training there. They marked some signs on the rocks and promoted enmity between different groups. They committed the activities prejudicial to the integrity of the nation. This case was transferred to NIA and re-registered as RC-04/2010/NIA/DLI on 21.01.2010. The Special Court for Trial of NIA Case, Ernakulam, convicted 18 persons vide the judgment dated 14.05.2018, Ex. PW1/B.

12.1.1.a For consideration of this Tribunal, the following extract of the judgment dated 14.05.2018, is pertinent to be reproduced:

“(121) To sum up, the oral evidence of PWs 2 to 4, 6, 9 to 11 and 24 convincingly proves the presence of the accused No.1 to 7, 11, 14, 15, 24, 26, 29, 30, 33, 34, 36 and 38 at Vagamon on 10th, 11th and 12th of December 2007. Their evidence further proves that three tents were erected in the property of PW4 and a camp was conducted there in from 10.12.2007 to 12.12.2007. Their evidence further proves the presence of cars and bikes including MO1 and MO2 near and around the tents. Their evidence also proves that motorcycle racing and swimming practice were conducted as part of the training camp. The identification of the accused Nos. 2, 4, 7, 33, 34, 36 and 38 in the court by PWs 3, 4, 9 and 24 was corroborated by their identification in the test identification parade. The recovery of MO3 glass pieces and MO15 Thermocol under section 27 of the Evidence Act and the seizure of MO5 pellets from the scene of occurrence have also been well proved by the prosecution. The prosecution has also proved the seizure of MO1 car and MO9 to MO14 mats from it. The scientific evidence establishes that MO3 series and MOs 9 to 14 contain the mixture of Potassium Chloride, Aluminum powder and Sulfur which are explosive substance and MO5 is a fired projectile from a firearm. The prosecution has also succeeded in establishing the conduct of the accused as admissible piece of evidence under section 8 of the Evidence Act in pointing out various places in Vagamon where the tents were pitched, the camp was conducted and various training practices in connection with the camp were taken place, lodges where the accused stayed during and immediately after the camp and the shop from where the air gun was purchased. The confession given by the accused No. 34 under section 164 Cr.P.C. implicating himself as well as the accused No.1, 3, 4, 7, 15 and 36 also stands proved. The prosecution has also proved that SIMI is an unlawful/terrorist organization as defined under the UAPA, 1967 and the accused No.1 to 7, 10, 12, 13, 14, 19, 22, 24, 26, 27, 28, 29, 30 and 34 are members of SIMI.”

12.1.1.b The appeal against the said judgment is stated to be pending before the Kerala High Court.

12.1.2 The witness PW1 has further deposed regarding the Case Crime number 159/2006, PS Binanipuram of Ernakulam Rural Police District was registered for the offences punishable under Sections 120B & 124 IPC and Sections 10 & 13 (1) (b) of UAPA. It is alleged that a secret meeting of SIMI members took place and pamphlets and books containing principles and views of the banned SIMI were distributed amongst the participants. The case was transferred to the NIA and re-registered as RC-03/2010/NIA/DLI on 21.01.2020. 5 out of 17 accused persons were convicted by the Special Court on 25.11.2015. The Kerala High Court set aside the conviction by way of the order dated 12.04.2019. The Supreme Court of India upheld the decision of the High Court on 21.09.2023.

12.1.3 Crime number 356/2008, PS- Edakkad, Kannur district- It is stated that this case was registered for the offences punishable under Section 3, read with Sections 13(2), 16, 18, 38 and 39 of UAPA and Sections 120B, 121, 121A, 124A of IPC. The genesis of the case is from the surveillance of one Abdul Jaleel (A1) and the FIR registered suo motu by Sub Inspector, Edakkad Police Station, Kannur as Crime No. 356/2008. A1, arrested on the same date was kept under surveillance for his involvement with the banned organisation SIMI. A1 was found using two mobile numbers 9744382047 and 960579262 alternatively. The call details of the first mobile number on examination revealed that number to have been deactivated after 05.10.2008 and ten calls having been received by A1 on the 1st and 2nd of October, 2008 from Jammu & Kashmir (J&K). Inquiries with the intelligence agencies revealed that the calls could be related to terrorists shot dead in Kashmir.

12.1.3.a It is alleged that the 24 accused persons between the years 2006–2008 had hatched a criminal conspiracy in Kannur and other places in India and abroad with intent to facilitate and promote terrorism and thereby, waged war against the Government of India. They conspired with the proscribed terrorist organisation, LeT. The accused persons under the leadership of the accused T. Naseer conducted Jihadi

classes and selected other four accused persons for training in LeT Camp in Jammu and Kashmir. These accused persons trained in weapons in Jammu and Kashmir to wage war against the Government of India and while undergoing training, three of them were killed in exchange of fire with Indian Security Forces while the fourth managed to escape. The case was re-registered by the NIA as 02/2010/NIS/DLI. The Special Court for Trial of NIA cases convicted 13 out of 24 accused persons. The Kerala High Court vide the order dated 09.05.2022 (Ex. PW1/D) upheld the conviction of 10 accused persons while acquitting the remaining three. (*Emphasis added*)

- 12.1.4 Crime number 448/2010, PS – Kozhikode City- The PW1 has stated that this case was registered under Sections 124A, 153A read with Section 34 IPC in relation to a raid conducted at a bookshop and certain material, including a hard disk containing statements on questioning the secular values of India and other factors capable of inciting disaffection towards other religions and capable of creating communal disharmony, were found and seized. The following persons are arrayed as accused in the case: P.K. Abdurahiman, S. Shanavas, Mahin C.A, Abdul Raasik and Haneef. K. T.
- 12.1.5 Crime number 533/2013, PS – Nadakkavu was registered under Sections 153A and 153B IPC with respect to publication and exhibition of a Malayalam Book "Dahvathum Jihadum" which was a translation of the book "Jahiliath ke Khilaf Jung". The book contained sentences and ideas to promote enmity and hatred between different religions and questioned the secular values of India. Usman P., P K Abdurahiman and Mujeeb Rahman were chargesheeted in the case as accused.
- 12.1.6 Crime number 697/2013, PS – Nadakkavu under Section 153A and 153B IPC pertained to the seizure of a book, which was translation of English book "MileStone" written by Shaheed Sayyid Khutub. The book contained imputation and assertions promoting disharmony and feelings of enmity and hatred between different communities and different religions, and questioning the secular values of India. Muhammed Hashim @ Hafsa, P.K Abdurahiman, and Siddiq T.P. were arrayed as accused in the said case. It is stated by this witness that the cases bearing no. 448/2010, 533/2013 and 697/2013 are investigated against the SIMI activists, chargesheets were filed and the same are being tried by the respective trial courts.
- 12.1.7 It is further stated by the witness PW1 that these cases as well as facts revealed during their investigation show that former members of SIMI are continuing to be actively engaged with the criminal justice system.
- 12.2 The Government has examined ACP Ved Prakash as the witness PW4. This witness has deposed regarding FIR No. 532/2001 registered under Sections 3, 10 and 13 of the UAPA, read with Sections 153A, 153B and 120B IPC on 28.09.2001 at PS - New Friends Colony, Delhi, (investigated by Special Cell). This case was registered in furtherance of information received by SI Ajay Kumar Singh of PS - New Friends Colony regarding the holding of a press conference by the operatives of the banned organisation SIMI at Zakir Nagar, New Delhi. A raid was conducted by the police and the office bearers and the members of SIMI were found raising slogans against the Indian government for banning the said organisation. Four of the members, namely Shahid Badar, Irfan Ahmed, Md. Khalid and Saif Nachan were arrested from the spot but the other escaped. Incriminating material in the form of video and audio cassettes containing provocative, anti-national and anti-religion content, posters of SIMI, computer, floppy disks, photographs of SIMI activists while being trained and copies of 'Islamic Movement' magazines were recovered.
- 12.2.1 The witness has stated that the charge sheet, of the case mentioned above, was filed by the Special Cell, Delhi Police against the accused persons namely Shahid Badar (erstwhile President of SIMI), Irfan Ahmed (Asstt. Office Secretary), Mohammed Khalid (Asstt. Manager SIMI), Saif Nachan (Office Manager cum Circulation Manager of SIMI), Javed Iqbal (Sympathiser) and Mohd. Naiyar for the offences under Sections 3, 10 and 13 of the UAPA, read with Sections 124A, 153A and 120B of IPC. In the said case, the following accused persons were got pronounced as proclaimed offenders: Abdul Subhan @ Abdullah (English Editor and writer), Safdar Hussain Nagori (Secretary General of SIMI and Chief Editor Hindi Press Secretary of SIMI), Shahbaz Hussain @ Shahbaz Ahmad (Hindi editor and Press Secretary of SIMI), Abdullah Danish (SIMI activist & writer), Hanif Sheikh (SIMI activist) and Noman Badar @ Falahi. All these absconding accused persons had subsequently been arrested, except for the accused Hanif Sheikh @ Hanif Hudai @ Mohd. Haneef. The arrested accused persons had disclosed the name of Hanif Sheikh. The police witnesses, namely HC Rajbir Singh, Ct. Abad Khan and Ct. Wahid who were part of the raiding team had also disclosed the name of this accused. During the examination of the witnesses in the trial of the case, the name of the accused Hanif Sheikh was again disclosed. Finally, the said accused Hanif Sheikh was arrested on 22.02.2024. A supplementary charge sheet concerning this accused was filed on 24.04.2024 in the competent court.
- 12.2.2 It has been deposed by this witness PW4 that the accused Hanif Sheikh is an active member of SIMI and was on the editorial board of the "Islamic Movement" magazine published by the said organisation in Hindi, English and Urdu. By publishing this magazine, this accused and other cadres of SIMI were sharing their radical ideology with Muslim youth and instigating them for jihad by indulging in anti-national activities. During investigation, the accused Hanif Sheikh had identified SIMI's headquarters in Delhi. He disclosed that

the articles in the magazine were published after his proofreading and that he had worked in the magazine under the name Haneef Hudai. It was also found during the investigation that the said accused was involved in the following cases: FIR No. 158/1998 dated 01.12.1998 registered under Sections 153B, 295 and 34 IPC; FIR No. 104/1999 registered under Sections 153A IPC; FIR No. 3038/1999 registered under Sections 144 Cr. P.C and 188 IPC and FIR No. 3035/2001 dated 17.12.2001, registered under Sections 3, 10 and 11 of the UAPA. All these FIRs were registered at PS-Bazarpeth, Bhusawal, Maharashtra. This witness has mentioned the difficulties faced by the Delhi Police in nabbing the said absconding accused Hanif Sheikh. The relevant extract of his affidavit is reproduced as follows:

“It was a herculean task for the team of Special Cell to identify, locate and apprehend accused Hanif Sheikh. Assistance was also taken from the local police staff of PS New Friends Colony, posted at the time of incident resulting in the present FIR. After diligent efforts and deploying of secret informers, his activity was zero down in the area of Bhusawal, Distt. Jalgaon, Maharashtra, from where he used to visit other parts of the country to propagate his idea of Islamic movement.”

- 12.2.3 Furthermore, while placing reliance on the documents filed along with his affidavit of evidence, Ex. PW4/A, ACP Ved Prakash has also stated that the SIMI activities are still continuing and he had mentioned the fact that the Sleeper Cells of the said association are still active. The relevant extract of his deposition dated 10.05.2024 in this regard is as follows:

“The fresh recoveries in the nature mobile connectivity chart, fresh evidence, WhatsApp images, multiple voter ID cards, and another mobile frequency of call data of the accused Uanif Sheikh(marked as 'Ex.PW4/C1, Ex.PW4/C2, Ex.PW4/C3, Ex.PW4/C4 and Ex.PW4/C5 at internal page nos.21 to 26, 27 to 29, 63 to 65, 71 to 73 and 79 to 82,respectively of the charge-sheet) demonstrates continued activity in pursuance to the objective of banned organization SIMI and presence of their Sleeper Cell Operatives.”

- 12.2.4 He has further stated that the accused persons named in the case had clear motives and intentions to indoctrinate members of his community for promoting unlawful activities within India. They have conspired to overthrow the established Indian government aiming to replace democracy. Towards this objective, they had Joined SIMI and regularly attended SIMI Conference to establish Islamic rule in India.
- 12.2.5 The testimony of the witness PW4 is successful in showing that despite the ban on SIMI, its activities are continuing. The erstwhile members of the association are still on run and some of them could only be apprehended by the investigating agencies with extreme efforts. It is also remarkable to note that the accused Hanif Sheikh had managed to evade his arrest in the above-mentioned case for more than 22 years. He could not have done this by himself alone. In light of this fact, the existence of an underground network of the members of the unlawful association even after several bans on it by the Government cannot be ruled out.
- 12.3 Crime No. 324 of 2001, P.S.- Colonelganj, District- Prayagraj (Allahabad); Case Crime No. 384 of 2001, P.S. Colonelganj, District- Prayagraj and Case Crime No. 246 of 2008, P.S-Ghoorpur, District- Prayagraj: The Government has examined Mr. Vivek Yadav, A.C.P., Prayagraj regarding these three cases pending trial/appeal as on date in district Prayagraj against the members of the banned association SIMI.

- 12.3.1 The witness in his affidavit Ex. PW 5/A has deposed that the Crime No. 324 of 2001 was registered under Section 153A, 225, 295, 120B of I.P.C at PS- Colonelganj on the information that on 29.08.2001 Shamsher Alam was caught by two public witnesses namely Pawan Tripathi and Raj Kumar Verma at Shradha Cassette, Katra while recording anti-national contents in audio cassettes. While Shamsher Alam was being taken to the police station, two persons namely Mohd. Arif and Uber tried to get him freed from the public witnesses. The contents of the cassettes were listened to by S.I. Ram Das Prasad and it was found that the contents were related to Osama Bin Laden and were also against America. It also had the statements that the Muslims of Kashmir are in danger and the Muslims of the whole world should be united. Hate speeches were also there in the cassette regarding Hindus and Muslims. He stated that the investigation revealed that the accused persons involved in the case were related to the SIMI.
- 12.3.2 PW5 has further stated that the Case Crime No. 384 of 2001 was registered under Sections 153A, 124A & 295A I.P.C. & Sections 3(3), 10 & 13 of UAPA at P.S. Colonelganj with the allegations that on 26.09.2001 a source information was received on which the police officials reached the spot and found that the member of SIMI namely Jalaluddin, Dr. Arshadullah, Alimullah, Mahibullah and 4-5 other persons were raising outrageous anti-national slogans and abusive words against Bharat Mata. They were shouting *"Are Musalmano Jago Hindustan Ke Teen Tukde Karke Hinduo Ke Seene Par Baithkar Unka Raj Cheenkar Muslmano Ka Raj Sthapit Karna hai"*. The case was registered and the charge sheet was submitted before the court concerned where the trial is in progress.
- 12.3.3 It is stated further in the evidence by this witness that Case Crime No. 246 of 2008 was registered under Section 489A, 489B, 489C & 489D at P.S-Ghoorpur ason receiving a source information on 14.08.2008, the

police officials of the police station Ghoorpur, had reached the Railway Crossing Iradatganj, and arrested the accused namely Amir Mahfooj. He had in his possession forged and counterfeit currency notes of Rs.500 and Rs.200/- total amounting to Rs. 6500/-. On questioning he disclosed that he was a member of SIMI. His name was on record as a SIMI member in the police station. The said accused was also involved in four other criminal cases viz. Case Crime No. 15 of 2003 registered under Sections 153A & 153B I.P.C. and Sections 3(1) & 13 of UAPA at P.S.- Ghoorpur, District- Prayagraj; Case Crime No. 246 of 2008 registered under Sections 489-A,B,C and D of I.P.C at P.S- Ghoorpur, District-Prayagraj; Case Crime No. 264 of 2008 registered under Section 3 N.S.A. at P.S.- Ghoorpur, District- Prayagraj and Case Crime No. 442 of 2001 registered under Sections 3, 13 & 15 of UAPA at Surat, Gujarat.

12.3.4 It is stated that the Trial Court vide the judgment dated 12.01.2012 (EX. PW5/E) had convicted the accused for the offences under Sections 489B and 489C IPC. He was sentenced to rigorous imprisonment for a period of 8 years and fine of Rs. 50,000/- for the offence under Section 489B IPC. He was sentenced rigorous imprisonment for a period of 5 years and fine of Rs. 25,000/- for the offence under Section 489C IPC. The accused filed the Criminal Appeal bearing no 543 of 2012 before the Allahabad High Court against the said conviction. The High Court granted the bail to the accused on 21.05.2012 and the appeal is still pending for final hearing.

12.4 The Government has examined PW6 Mr. Gaurav Sharma, Circle Officer, Distt.- Azamgarh, Uttar Pradesh regarding five cases pending against the members of banned organization SIMI which are under trial in district Azamgarh. He has filed his evidence by way of affidavit Ex. PW6/A.

12.4.1 He deposed in the affidavit that the Case Crime No. 129 of 2001 was registered under Sections 153A, 153B, 505C & 505(2) of I.P.C. and 10 & 13 of UAPA at P.S.-Saraimeer, District- Azamgarh. The FIR was registered with the allegations that on 27.09.2001 S.H.O. Ravendra Prakash received information that Mohd. Saleem who was an active member of SIMI was pasting posters at Saraimeer Roadways and other public places regarding Osama Bin Laden. He raised the slogan "*Osama Bin laden Jindabad*". He also gave speeches aimed at creating hatred between Hindus and Muslims. He was trying to connect the Muslim youth to the banned organisation SIMI. After investigation, the Investigating Officer submitted the charge sheet on 12.02.2002. At present the trial is pending before the Trial Court and it is at the stage of evidence.

12.4.2 PW6 further deposed that the Case Crime No. 186 of 2001 was registered under Sections 153A, 153B & 505 of I.P.C. and Sections 3(1), 10 & 13 of UAPA at P.S.- Nijamabad, District- Azamgarh. The allegations in the FIR are that on 27.09.2001 complainant Smt. Narendar Kaur Bhatia, Sub-Inspector, P.S.- Nijamabad, District- Azamgarh during patrolling found six persons namely Javed Ahmad, Makbool Ahmad, Sahjad Ahmad, Farook Ahmad, Abdul Rahman and Mohd. Faiz raising anti-national slogans such as "*Islam Zindabad, Laden Zindabad*" "*Bharat Ko Hum Mitayenge*" near Idgah Village- Fariah. The slogans made were against the national interest, unity and integrity of the country and had the potential to disrupt the communal harmony and peace. Hearing the slogans, several Hindu youths started assembling at the National Highway due to which a possibility of outbreak of communal riots arose. The above said six persons were claiming that they were the members of SIMI. They were arrested at the spot. The Investigating Officer submitted the charge sheet on 20.06.2002 before the concerned Court and the trial is in progress.

12.4.3 It is deposed by the witness that the Case Crime No. 09 of 2019 was registered under Sections 420, 467, 468 & 471 of I.P.C. and Section 8 of Notary Act at P.S.-Nijamabad, District- Azamgarh. This First Information Report was registered on receiving the information that one accused, namely Mohd. Faiz who was a SIMI activist and under trial accused in First Information Report No. 186 of 2001, had obtained a passport on forged and fabricated documents. He also travelled on the said passport to countries like Libya, Malaysia and the UAE. Information was also received that the said person was about to flee the country. A look out card notice (LOC) was immediately opened against the accused Mohd. Faiz. He was arrested on 27.01.2019 at the immigration counter of Varanasi Airport, when he was trying to flee from the country. After investigation and collecting the evidences, the Investigating Officer submitted the charge sheet on 30.01.2019 and the trial is pending before the concerned court.

12.4.4 Regarding the Case Crime No. 1058 of 2000 registered under Sections 153A, 505, 295 & 120B of I.P.C. at P.S- Kotwali, District- Azamgarh, the PW6 has deposed that the FIR was registered with the allegations that on 08.09.2000, Inspector in Charge B.B.L Jaiswal received information that the President of the banned organization SIMI Dr. Sahid Badra along with Faizan Ahmad and Abdul Noor had assembled in Harioudh Kala Bhavan and they all gave speeches capable of causing hatred between the Hindus and Muslims. They also justified the Aligarh Muslim University and Agra Bomb blasts. They also said that there was no pressure of Government and that every action would be retaliated. They stated that recruitment in SIMI will be continued in future. They also stated that Kashmir is only for the Muslims and it cannot be a part of India. After investigation, the Investigating Officer submitted the charge sheet before the Trial Court on 16.10.2001 under Section 153-A, 505, 295, 120-B of I.P.C. and the trial is in progress.

- 12.4.5 With respect to the Case Crime No. 979 of 2001 under Sections 153, 153A, 153B & 505 of I.P.C and 3(1), 10 & 12 of UAPA P.S Kotwali Sadar, District- Azamgarh, Mr Gaurav Sharma has deposed that the case was registered as on 27.09.2001, a source information was received at Police Station- Kotwali Sadar that some persons have gathered in front of the house of Minister Sohail Ahmad at Awas Vikas Colony, Gulami Ka Pura and were giving anti-national speeches for inciting public to create outrage in the society. They were also asking the Muslim youth to join SIMI. The speech was given in order to create rift between Hindu and Muslim communities and to spread communal hatred. On such information, the police officials reached the crime scene, and arrested nine persons namely- Amir Rashadi, Suhail Ahmad, Nadeem Ahmad, Barkatullah, Rizwan Ahmad, Imtiyaz, Ahmad, Abdul Noor, Habib Ahmad and Abdul Rashid. The police also recovered incriminating materials such as pamphlets and registration forms meant for joining SIMI. The trial of the case is in progress before the concerned Court.
- 12.4.6 It is categorically deposed by the witness that the ban on SIMI should be continued in the interest of the nation otherwise the activists will again start their unlawful activities.
- 12.5 The Government has examined Ms. Shweta Kumari, posted as Assistant Commissioner of Police (ACP) Sisamau, Kanpur Nagar as the witness PW7. In her affidavit of evidence Ex. PW7/A, she deposed regarding two cases pending in District- Kanpur Nagar against the members of banned organization SIMI in which trial is pending.
- 12.5.1 She deposed that the Case Crime No.39 of 2001 was registered under Section - 188, 153A, 153B, of I.P.C. & Section 10 of Criminal Law (Amendment) Act, 1932 at P.S.- Chamanganj, District- Kanpur. On 27.09.2001 S.H.O. Shri Anil Kumar Sharma, Police Station- Chamanganj, Kanpur received information that members of SIMI were giving anti-national speeches. When the S.H.O. reached Humayun Bag, he saw five members of the banned SIMI, namely Mohd Suleman, Mohd Anwair, Mohd Saileem, Mohd Riyaz Ahmad and Mohd Amir giving anti-national speeches. They were stating that they did not believe in the Indian Constitution and the National Flag. They were speaking loudly that they will establish Pakistan in Kanpur and they will neither sing nor would allow anyone to sing Vande Mataram. They further said that they will demolish the temples and will establish terror amongst Hindus. The S.H.O. registered case crime no. 39/2001 against these persons for making such statements. It is further submitted that the trial is at the stage of summoning of the accused persons.
- 12.5.2 Regarding the Case Crime No. 84 of 2001 was registered under Section 115, 120B, 121, 121A, 122, 123 and 124 of I.P.C. at P.S.- Bajariya, District- Kanpur Nagar the PW7 deposed that on 03.08.2001 accused persons, namely Wasif and Mohammad Jubair were arrested and explosives were recovered from their possession. During interrogation it was found that the accused person and their associate Mumtaz are involved in terrorist and anti-national activities. They were related to terrorist organizations such as Hizbul Mujahiddin, Jaish-e-Mohammad and Lashkar-e-Taiba and were involved in several terrorist and anti-national activities in the country. They were making plans to take revenge from persons/parties like the BJP/RSS etc. who as per them were involved in the demolition of Babri Masjid. They also were planning to conduct blasts at several places in the country. It was also found that the SIMI was planning to train them at the Pakistan – Kashmir border and the said accused persons were planning to wage a war against India. During investigation it was revealed that four years prior to the incident mentioned above, Mohd. Amir, Mohd. Salman and other members related to SIMI namely Dr. Abrar, brother of Dr. Abrar, Suleman Maulana, Mohd. Hussain, Hasmati Hafiz Ishtiyak Ejaj and Adil Irshad were participating in the weekly meetings of SIMI. In the trial, the statement of Insp. Brajveer Singh has established that explosives, RDX, Rocket Launcher, Detonator, Remote Control Pistol, Air Gun were recovered from the possession of the accused persons. It is deposed that the trial has been transferred from Kanpur Nagar to Special Judge/NIA Lucknow and the case is at the stage of evidence.
- 12.5.3 Ms. Shweta Kumari has deposed on oath that in view of the facts which have emerged during the investigation and trial of the above mentioned cases, it is clear that the ban on SIMI should be continued in the national interest of the nation otherwise its activists will again start their unlawful activities.
- 12.6 PW8 Mr. Dharmendra Singh Raghuvanshi is posted as Assistant Commissioner of Police, Bazar Khala, District- Lucknow. He has been examined by the Government regarding Case crime no. 25 of 2003 registered under Sections 153A, 153B, 297 and 420 IPC and Section 7 Criminal Law (Amendment) Act at P.S.- Sahadatganj, District- Lucknow. He has tendered his evidence by way of the affidavit Ex. PW 8/A.
- 12.6.1 PW8 has stated that the officials of P.S.- Sahadatganj, District- Lucknow were on patrolling on 25.01.2003. One police informer gave information that some SIMI members who were earlier arrested were still recruiting new members into the organization. The police officials reached the spot and arrested two persons, namely Ubaidurrahman and Mohd. Arif Mahfoos. Incriminating articles like leaflets of SIMI, Compact Disk, Books in Urdu language, ten audio Cassettes, three Floppy Discs, one Album, Pocket Diary and Telephone Diary were recovered from the possession of above-mentioned persons. On questioning the accused persons they disclosed that they worked for SIMI and said that "SIMI Ke Liye Hame Allah Tala Ne Banaya Hai".

- 12.6.2 After investigation of the case, the charge sheet was submitted. The trial of the case is in progress.
- 12.6.3 The witness deposed that from the knowledge acquired by him during the course of his service and record of the case, it was manifest that the members of SIMI have been promoting anti-national and separatist sentiments prejudicial to the integrity and security of the country. They have been spearheading / conspiring / masterminding / facilitating / escalating / anti-national movements and unlawful activities inside the country. They were also tacitly supporting militancy and incitement of violence in the country.
- 12.7 The Government has further examined PW9 Mr. Kuldeep Tiwari, Deputy Superintendent of Police, Anti-Terror Squad Uttar Pradesh, Lucknow. In his evidence by way of affidavit Ex. PW9/A, he deposed regarding six cases pending trial in the State of Uttar Pradesh against the banned organization SIMI and its members.
- 12.7.1 PW9 deposed that the Case Crime No. 449 of 2002 was registered under Section 153A, 153B, 420 of I.P.C. and Section 13 of UAPA at Police Station- G.R.P. Charbagh, Lucknow. Complainant in the case is Shri. Ashok Kumar Singh, Police Inspector, Police Station-G.R.P. Charbagh, Lucknow. The case is related to the distribution of published literature and objectionable pamphlets in Urdu, at the Lucknow City Railway Station on 05.05.2002 by one Nauman Badra. The said publications were carrying material having potential to disrupt and inflame communal hatred between Hindus and Muslims. The accused persons, namely Nauman Badra, claiming himself to be the Secretary of Uttar Pradesh Branch of SIMI was also encouraging the public to be part of SIMI organization. The accused was arrested on the spot. After investigation, the Investigating Officer submitted a charge sheet and the trial is in progress.
- 12.7.2 Regarding the Case Crime No. 609 of 2001 registered under Section 153A, 153B, 124A, 298, 505 & 120B IPC at Police Station-Kotwali Sadar, District- Gorakhpur, the PW9 has deposed that on 21.09.2001 Inspector in Charge, Ram Nagina Rai received information that the National President of SIMI namely Shahid Badra Falahi and Zonal President of SIMI Hamam Ahmad had given speech against the State and Central governments in the meeting held at Madarsa Anjuman Islamiya Khunipur. Their speech had contents which could cause hatred between Hindus and Muslims. They claimed that they only worked for Islam and did not care for the welfare of the State. They encouraged the Muslim youth to work for Islam and to get involved in Jihad. It is further submitted that the trial of the case is in progress.
- 12.7.3 With respect to the Case Crime No. 510 of 2001 registered under Section 153A I.P.C. at Police Station-Mohammadabad, District-Mau, the PW9 has stated that on 26.09.2001 during a routine checking, Inspector Vijay Shankar Tiwari, Police Station Mohammadabad, District-Mau received an information that in the area of Mohammadabad some persons were giving anti-national speeches. The police reached the spot and found three persons making anti-national speeches saying that America was showing its hooliganism and this kind of work of America was against Islam and it was dangerous to the Islam. They were saying that the Hindus of Hindustan and the Central Government were totally against the Islam and were helping America. They claimed that they were active members of SIMI. They stated that their organization SIMI will not allow America, Hindus and the BJP government of Hindustan to succeed in their aim. They were asking the people in the audience to get ready for Jihad and to unite against the Kafirs of Hindustan so that they could succeed in their aim. They said "*Inki Eent se Eent Baja Deni Hai*". They asked the audience to fill up a form and become a member of SIMI and be a part of Jihad. They stated that the Hindus were always their enemy. For making the said speech, three persons namely Mohd Alim, Mohd Talib and Kalam were arrested. SIMI membership forms dated 05, 06 and 07 October 2001 and posters related to conference of SIMI at Karbala Maidan, Azamgarh were seized from their possession. The case is under trial before the concerned court. It was further submitted that from perusal of the above mentioned facts, it is necessary in the interest of National Integrity that the ban on SIMI be continued.
- 12.7.4 Mr. Tiwari has further deposed that the Case Crime No. 396 of 2001 was registered under Sections 153A, 153B, 295B of I.P.C. and Section 10 and 13 of UAPA at Police Station – Bhadohi, District- Sant Ravidas Nagar. The complainant is Laxman Rai, Police Inspector, Police Station- Bhadohi, District- Sant Ravidas Nagar. On 27.09.2001 the police received a source information that anti-national speech was being given by a person namely Sohail Ahmad at Ajmullah Chauraha. It was also informed that unlawful activities are being carried out by SIMI activists. The police reached the said location and witnessed the speech in which statements like "*muslim bhaiyon Islam ke liye Jihad chhedo*", "*Osama Bin Laden ki madad ke liye ek ho Jao*" and "*Hindu se badla lena hai*" were being made. The police arrested the following five accused persons: Suheb Alam, Meraj Khalid, Anwar Raseed, Abid Imran and Ehtesham Ali. Incriminating materials connected with SIMI such as anti-national posters, pamphlets, books, scripts and video cassettes were also recovered from the place.
- 12.7.5 It is further deposed by the PW9 that the Case Crime No. 733 of 2001 was registered under Sections 153A and 153B of I.P.C. and Section 7 of Criminal Law (Amendment) Act and Section 10 and 13 of UAPA at Police Station-Kotwali Mathura, District-Mathura. The complainant in this case is Shri. B.B. Singh, Inspector, Police Station-Kotwali Mathura, District- Mathura. On 27.09.2001, the police arrested four persons

namely Julfikar, Rashiduddin, Farman and Shahid, while they were pasting incriminating posters on the walls of the city. The contents of the said posters were found capable of inciting communal hatred and disrupting the communal harmony and peace. Thereafter, three persons namely Ashfaq, Rahees Ahmad and Nauman were also arrested in connection with the case. The case is still pending trial before the Court.

- 12.7.6 DSP Kuldeep Tiwari, PW9 has further deposed that there were five cases registered vide a common FIR No. 590/2014 at Police Station- Kotwali City, District- Bijnor viz. Crime No. 964/2014 under Sections 121, 122 of IPC; Crime no. 965/2014 under Sections 13, 18, 23 of UAPA; Crime No. 966/2014 under Section 25 Arms Act; Crime No. 967/2014 under Section 25 Arms Act and Crime No. 968/2014 under Sections 4 and 5 of Explosives Substances Act. He further stated that there were three crime case numbers registered vide a common FIR No. 597/2014 viz. Case Crime No. 974/2014 under Sections 121A, 122, 120B IPC; Case Crime No. 975/2014 under Sections 4 and 5 of Explosive Substances Act and Case Crime No. 976 of 2014 under Sections 13, 18, 23 of UAPA. The PW9 has deposed that there were three crime case numbers registered vide a common FIR No. 598/2014 viz. Case Crime no. 977/2014 under Sections 121A, 122, 216, 120B IPC; Case Crime No. 978 of 2014 under Sections 4 and 5 Explosive Substances Act and Case Crime No. 979/2014 under Sections 13, 18, 23 of UAPA.
- 12.7.7 Facts of the case are to the effect that on 12.09.2014 one bomb blast took place in the house of Leela Devi at Jatan Mohalla, Bijnor, Uttar Pradesh. During investigation, it was revealed that six tenants were residing in the house of Leela Devi on the day of the incident. After analysis of CCTV footage and other material, six persons namely Mohd Amjad, Zakir, Sheikh Mehboob, Mohd Salim, Aslam and Mohd Ejajuddin @ Aijaz were indentified. All the accused persons had absconded after the incident took place. During investigation it was found that these six persons were associated with the banned organization SIMI and had escaped from Khandwa Jail, Madhya Pradesh on 10.10.2013. The other arrested accused persons in this case were Husna, Nadeem, Furkan, Raees and Abdulla who had provided logistic support and had facilitated the escape of the above mentioned accused persons. On the basis of the above, 3 FIRs having total 11 case crimes were registered. After registration, these FIRs were firstly transferred to ATS UP Police, Lucknow and subsequently to the NIA which resulted in registration of FIR no. RC-01/2015/NIA/DLI, RC-10/2015/NIA/DLI & RC-11/2015/NIA/DLI. After investigation by the NIA, the charge sheet was filed. The accused persons namely Husna @ Husana, Abdullah, Raees Ahmed, Nadeem and Fukran were convicted by the trial court vide the judgment dated 30.06.2022, Ex. PW9/G.
- 12.8 Mr. Peetam Pal Singh posted as Deputy Superintendent of Police/ CO, Dhaurahara, District- Lakhimpur Khiri has been examined by the Government as the witness PW10. In his affidavit of evidence Ex. PW10/A he has deposed regarding two cases pending in District- Lakhimpur Khiri against the member of banned organization SIMI in which trial is pending in the respective Courts of law.
- 12.8.1 He deposed that the Case Crime No. 1035 of 2001 was registered under Section 10 & 13 of UAPA at P.S. Kotwali Nagar, District- Lakhimpur Khiri. On 29.09.2001, during the normal course of checking, the officials of police station - Kotwali Sadar found three persons raising slogans in favour of Osama Bin Laden and Afghanistan. They were distributing pamphlets regarding the ideology of SIMI. When the police personnel requested them not to engage in such unlawful activities, they retaliated vigorously and again started raising slogans. As there was imminent apprehension of flaring up of communal tension and hatred, the police arrested all the 3 accused persons namely Shakeel Ahamad, Ejaj Aslam and Mahboob Alam. The FIR was registered as mentioned above. The witness further stated that the statements of the witnesses recorded by the investigating officer under Section 161 Cr.P.C. have revealed that the accused persons were the members of the banned organization SIMI. The trial of the case is stated to be at the stage of evidence.
- 12.8.2 PW10 has further deposed in his affidavit that the Case Crime No. 658 of 2000 was registered under Sections 153A, 153B, 295A & 505 (2) IPC, P.S.- Kotwali District- Lakhimpur. It is stated that on 29.09.2001, Mohd. Amir, the State President of SIMI held a press conference in Bilabi Hall. He stated that Lord Sri Ram is a fictitious character. He also insulted the Hindu religion. He said that the Muslim will themselves construct the Babri Masjid and that they have no belief in the Constitution of India. That Koran and Hadith are the highest Constitution. He stated that Kashmir was not a part of India. He further said that the Masjids of the country are calling Mohd. Ghaznavi. In the said press conference, Mohd Amir, Mohd Shakil, Mohd Kayyum, Ejaj Aslam, Gayasuddin, Sagir Ahamad and Mahboob Alam were also present. Pamphlets in Urdu containing hate speeches were distributed in the said meeting. The participants were asked not to obey the rule and Constitution of India. It is stated that all the witnesses have stated that there is involvement of SIMI members in the present case. Statements of witnesses namely Inspector Suraj Nath Yadav, Smt. Sudha Sharma, Smt. Raj Kumari Shukla, Umesh Kumar Mishra, Mistri Lal, Suraj Kumar and Kaushal Kishore recorded under section 161 Cr.P.C were relied on by the PW10 as Ex. PW10/E. The case is stated to be at the stage of evidence.

- 12.9** The witness PW11 namely Mr. Amrinder Singh is posted as Circle Officer, Police Line, District- Moradabad. In his affidavit of evidence PW11/A, he has deposed regarding four cases pending in District- Moradabad, Uttar Pradesh against the members of the banned organization SIMI in which trial is pending.
- 12.9.1** PW11 deposed that the Case Crime No. 1197 of 2001 registered under Sections 147, 153A & 153B of I.P.C. and Sections 13(1) & 13(2) of UAPA at P.S.- Civil Line Sadar, District- Moradabad. A source information was received on 12.10.2001 by the S.H.O. Shri Suresh Veer that some persons were raising anti-national slogans and were distributing incriminating pamphlets. The S.H.O. concerned reached the spot and witnessed 5 persons shouting slogans like "*Taliban Zindabad, Hindustan Murdabad, America Murdabad, Meri Jaan Taliban, Osama Bin Zindabad*". They were claiming that Hindustan is an anti-Islamic Country. They were protesting against the ban on SIMI organization ordered by the Central Government. The Police also recovered incriminating pamphlets which were dangerous to national security. The Police arrested the said 5 accused persons namely- Mohd. Haneeef, Mohd. Furkan, Mohd. Qadeer, Khurseed Ahmad and Jamal Mohammad. The Investigating officer investigated the matter properly and filed a charge sheet against the above -mentioned 5 accused persons. He deposed that from the investigation, it is clear that the above-mentioned accused were related to the banned organization "SIMI".
- 12.9.2** Regarding the Case Crime No. 266 of 2001 registered under Sections 147, 148, 504, 506, 153A & 153B I.P.C. and Sections 3(1), 13(1) & 13(2) of UAPA at P.S.- Mugalpura, District- Moradabad, the PW11 deposed that on 29.09.2001 pursuant to the notification issued by the Government of India regarding ban on SIMI, S.H.O. Mugalpura, Moradabad reached the office of SIMI which was in the house of Farjand Ali and started sealing the office. During the sealing, several young persons gathered at the spot and started shouting slogans like "*SIMI Zindabad, Taliban Zindabad, Osama Bin Laden Zindabad, Bharat Sarkar Murdabad*". They further tried to restrain the Police Officer from sealing the office. They further threatened to kill the Police Officials. The Police arrested the accused persons namely- Farjand Ali, Mohd. Imraan, Kadir, Mohd. Jamaal, Furkan, Mohd. Haneeef, Vaseem, Simrej and Khursid. It is stated that the accused persons are on bail at present and they are not cooperating for a speedy trial.
- 12.9.3** For the case Case Crime No. 270 of 2001 registered under Sections 147, 153A & 153B IP.C. and Sections 3(1), 13(1) & 13(2) of UAPA at P.S - Mugalpura, District- Moradabad, the witness deposed that the F.I.R was lodged on 07.10.2001 by the SHO, P.S- Mugalpura alleging that when he and his team were crossing the house of accused Furkaan, they found him and his associates Rizwan, Jamaal, Khurseed and Kadir Shouting slogans like "*Taliban Zindabad, Afghanistan Zindabad, Hindustan me Taliban ki hukumat ho kar rahegi, Hindustan Murdabad*". They were also inciting people for communal hatred. The S.H.O. along with his team arrested Rizwan however other accused persons fled away from the spot. They were arrested later on. The trial of the case is in progress.
- 12.9.4** It is further submitted by the PW11 that the Case Crime No. 572 of 2001 registered under Sections 153A & 153B I.P.C. and Sections 3(1), 13(1) & 13(2) of UAPA at P.S- Nagfani, District- Moradabad. It is stated that while patrolling in the local jurisdiction on 11.11.2001, the officials of police station – Nagfani found that 6 persons namely Mohsin, Sirmej, Tahir, Sahbaj Haider, Nigris and Dr. Irshad were assembled at a place and were making anti-national speeches. They were shouting "*Muslim Bhaiyo Islam Khatre Me Hai*" "*Islam Ka Sabse Bada Dushman America Hai*" "*Jiska Saath BJP De Rahi Hai*" "*Jo Kashmir me Musalmano Ka Katal Kra Rahi Hai*" "*Nigeria Ki Tarah Hame Bhi Badla Lena Hoga*" "*Osama Bin Laden Ki Hame Madad Karni Chaiye*" "*Sarkar Ka Takta Palatna Hai*" "*Ham Giraftari Se Darte Nahi Hai*" "*Hum SIMI Ke Kattar Sipahi Hai*". The Police arrested three accused persons Mohsin, Simrej and Tahir on the spot while the remaining three managed to escape. They surrendered later on. Presently the accused are on bail but they are not cooperating in the trial.
- 12.10** The witness PW12 Mr. Pranay S. Nagvanshi is serving as S.P. (A.T.S.), P.H.Q., Bhopal, Madhya Pradesh. He was appointed as a Nodal Officer vide the order dated 04.07.2023 to represent the State of Madhya Pradesh before this Tribunal in cases relating to the banned organization SIMI. In his affidavit of evidence, Ex. PW12/A, he has deposed with respect to 02 cases where the Court has convicted the accused persons related to the banned association SIMI for various offences.
- 12.10.1** Crime no. 434/13 was initially registered at P.S. Sendhwa, Distt. Badwani on 24.12.2013 for the commission of offences published under Sections 307, 34 IPC. Subsequently, it led to the registration of the Crime no. 22/13 on 26.12.2013 in Police Station A.T.S./S.T.F. Bhopal under Sections 307, 34, 467, 468, 471, 120B and 201 of IPC, Sections 25 and 27 of the Arms Act, Sections 3,4,5 and 6 Explosive Substance Act & 3, 10, 13 and 13(1)(2) of the UAPA. Complainant in this case was Mr. Ajay Kaithwas, DSP-ATS, Bhopal. The case is related to the arrest of the prisoners related to the association SIMI and who had escaped after breaking from Khandwa jail and who were also wanted in the murder of the ATS Const. Sitaram & Const. Shiv Pratap.
- 12.10.2** On 24.12.2013 at 02.40 AM, Mr. Ajay Kaithwas, DSP-ATS got a report lodged in Police Station Sendhwa, Distt. Badwani, that acting on an intelligence input regarding the possibility of SIMI terrorists coming to the border districts of Maharashtra and Madhya Pradesh, to meet their associate Khalid in Solapur, Maharashtra,

the ATS and CTG team reached Kharkiya Guest House, near Sendhwa Village of Distt Badwani. At around 09:30 PM on 23.12.2023, DSP Ajay Kaithwas present was at Sendhwa to take some medicines when he saw three suspicious persons. One of them resembled Khalid Ahmed, a wanted criminal. They all were given a chase. The identity of the remaining two individuals was subsequently confirmed as Abu Faizal and Irfan Nagori. Meanwhile, DSP Ajay Kaithwas also informed the ATS team which was assembled at Kharkiya Guest House. When an attempt was made to surround and arrest the said accused, they fired at the police force at the plateau near Nawalpur Warehouse. The police also retaliated and finally succeeded in capturing all three with weapons. Three country-made pistols, live cartridges and other items were seized from them. Two other companions of these accused persons namely Sadik and Umer were also arrested from Solapur, Maharashtra and from their possession explosive substances and bombs were recovered.

12.10.3 After the investigation charge sheet was filed in the Court of the 24th Additional Sessions Judge and Special Judge, NIA, Bhopal. Vide the judgment dated 16.09.2022, Ex. PW12/E, the Court convicted the following accused persons in the said case: Irfan Nagori, Abu Faisal, Mohd. Sadik and Umer Dandoti and sentenced them to various terms of prison ranging from ten years rigorous imprisonment to life imprisonment. The absconded prisoners from Central Jail, Bhopal namely Amzad, Mehboob, Zakir, Saleek and Khalid were killed in a police encounter in Gunga Police Station, Distt Bhopal on 31.10.2016. The accused persons namely Aslam and Aijazuddin were killed in a police encounter in district Nalkunda, Telangana on 04.04.2015. Accused Ismael, Irfan Muchhale, Aman and Gulrez were acquitted of all charges by the Court. This acquittal has been challenged in the Madhya Pradesh High Court.

12.10.4 Crime no 01/2014 was registered at Police Station ATS/STF Bhopal on 01.01.2014 for the offences published under Section 25 Arms Act, Sections 307, 34, 120B, 107 and 115 IPC & Sections 3, 10(a) & 10(b), 13(1)(2), 16, 17, 18, 20, 38 and 39 of the UAPA & Sections 3, 4, 5 and 6 of the Explosive Substances Act. The complainant in this case also is Shri Ajay Kaithwas, DSP-ATS, Bhopal. The case was related to the seizure of explosive substances and detonators from the SIMI members. On 24.12.2013, SIMI members Abu Faisal, Khalid Ahmed, Irfan Nagori, Sadik and Umer were arrested at Sendhwa, Madhya Pradesh and Solapur, Maharashtra in connection with Crime no. 434/13 at P.S. Sendhwa which further led to the registration of the above mentioned case Crime no. 22/13 at Police Station A.T.S./S.T.F. Bhopal (MP). The persons arrested in the said case disclosed that the recovered explosive substance and weapons were provided to them by Javed Nagori, Mohd Adil, Aziz, Abdul Wahid and Guddu @ Sajid. The arrested individuals disclosed that they had concealed a huge quantity of explosives and detonators to blast bombs at various places in the country. They further disclosed that they had kept two big drums of explosives, under the staircase of a dilapidated house in Mahidpur Ujjain. These were later seized by the police on the intervening night of 31.12.2013 and 01.01.2014.

12.10.5 After the investigation, the charge sheet in the case was filed in the Court of the 16th Additional Sessions Judge and Special Judge, NIA, Bhopal. Vide the judgment dated 28.02.2019, Ex. PW12/H, the Court had convicted the accused persons namely Javed Nagauri, Abdul Aziz, Abdul Wahid, Jubair Hussein and Mohd. Adil and sentenced all of them to life imprisonment. Accused Majid Nagori and Khalid Ahmad were killed in a police encounter in the jurisdiction of Gunga Poilce Station, Distt. Bhopal on 31.10.2016. The accused persons namely Abu Faizal, Irfan Nagori, Umer, Sadik and Sazid were acquitted of all charges by the court. This acquittal has been challenged before the Madhya Pradesh High Court.

12.11 PW13 Mr. Arvind Singh Tomar is posted as C.S.P. Khandwa, District Khandwa (M.P.). He was appointed as a Nodal Officer vide order of S.P., Khandwa dated 20/04/2024 for the State of M. P. to represent the State before this Tribulal. In his affidavit Ex. PW13/A he has deposed regarding Cr. No. 541/13 Registered at Police Station Kotwali, Khandwa against the members of banned organization SIMI.

12.11.1 On 01.10.2013, at around 03.15 AM, Const. Lokesh Hirwe, Const. Narendra Soni and Cheeta Mobile Const. Kundan Mandloi, Sainik Suresh Tiwari were on night patrolling at Siddhipuram Colony, Bhandariya Road Khandwa. They saw 6-7 persons running towards them. When they were stopped for questioning, all of them immediately started quarrelling and beating the police officials. When the officials caught one of them namely Abu Faizal, another accused Aijazuddin tried to free him and raised a sharp object, probably a knife, with an intention to kill Lokesh Hirve. Lokesh Hirve sustained injuries at his shoulder and head. Meanwhile, Suresh Tiwari tried to save Lokesh Hirve but another offender Aslam injured him in his hand with an intention to kill him with a knife. At the same time, Abu Faizal and his associates managed to run away after snatching rifles and motorcycles of the police team.

12.11.2 Crime No. 541/2013 dated 01/10/2013 was registered Under Sections 395, 307, 353, 332, 120B, 212, 216 & 75 IPC and Sections 3, 10, 13, 16, 17, 18, 19, 20 & 21 UAPA at P.S. Kotwali Khandwa against the accused (1) Abu Faizal (2) Aijazuddin (3) Guddu @ Mehboob (4) Aslam (5) Zakir, (6) Amjad (7) Abid Mirza and (8) Saleek.

12.11.3 During investigation, it was revealed that all the above accused had escaped from Khandwa Jail. On the basis of this information, a separate Crime no. 542/2013 dated 01/10/2013 was registered against them in P.S.

Khandwa. Vide the order dated 20.01.2015 passed in M.C.R.C No. 3656/2014 the Madhya Pradesh High Court, Jabalpur had transferred all the cases pertaining to the SIMI matters to the District Court, Bhopal. The present case was also transferred from District Court, Khandwa to the District Court Bhopal.

- 12.11.4 Meanwhile, information was received to the effect that the other escaped accused persons, namely Aslam and Aijazuddin were killed in police encounter in police station of district Nalkunda, Telangana on 04.04.2015. It was also informed that the other escaped accused persons, namely Amzad, Mehboob, Zakir and Saleek were also killed in police encounter in Gunga Police Station, District Bhopal on 31.10.2016.
- 12.11.5 The Special Court of NIA Bhopal vide the judgment dated 07.12.2023 in Cr. No. 541/13 (S.T. Reg. No.154/2015), Ex. PW13/E had convicted the accused Abu Faizal in the said case and sentenced him to life imprisonment. The other accused Abid Mirza was acquitted of all charges by the court. This acquittal has been challenged in the Madhya Pradesh High court.
- 12.12 PW17 Mr. Harsh Upadhyay, Deputy Superintendent of Police, Anti-Terrorist Squad, Gujarat State, Ahmedabad in his affidavit of evidence, Ex. PW17/A has deposed regarding the Sessions Case No. 38 of 2009 titled 'State of Gujarat v. Jahid @ Javed Kutubuddin Shaikh and Ors.'. This case pertained to the 22 bomb blasts which took place at different places in Ahmedabad city on 26.07.2008 as well as to the subsequent recovery of unexploded bombs.
- 12.12.1 The PW17 has placed reliance on the judgment of the said case pronounced by the learned Additional Sessions Judge (Special Designated Judge for Speedy Trial of Serial Bomb Blast Cases), Court No. 4, Ahmedabad, Gujarat on 18.02.2022. The certified copy of the judgment and its synopsis is produced as Ex. PW-17/B and Ex. PW17/C respectively.
- 12.12.2 It is stated that there were 80 accused persons in Sessions Case No.38 of 2009 against whom the trial was conducted. However, 15 accused are still absconding and therefore, no trial was conducted against the absconding accused. The investigation against those 15 absconding accused is still in progress. The Anti-Terrorist Squad is making all possible efforts to find out the whereabouts of the absconding accused and efforts for their arrest are also being taken. He further stated that out of the 80 accused against whom trial was conducted, accused no. 79 and 80 expired during the course of trial. Out of the remaining 78 accused, as per the judgment of conviction and sentence, 38 have been awarded capital punishment, 11 have been awarded life imprisonment and 29 were acquitted. On the basis of the material available and the information gathered, he further stated that approximately against 72 of the alive 78 accused persons of the said Sessions Case No. 38 of 2009 various criminal cases relating to unlawful activities are pending or concluded by the respective agencies of the Center and different State Governments. He also stated that some of the accused persons who were tried in Sessions Case No. 38 of 2009 were also found involved in an attempt to break Sabarmati Jail and accordingly, a separate case bearing Crime no. 24 of 2013 was registered against them at PS Ranip.
- 12.12.3 The witness stated that it has been observed in the judgment dated 18.02.2022 that even though the Student Islamic Movement of India (SIMI) had been declared an 'Unlawful Association' by the Central Government, the apprehended, deceased and absconding accused had directly and indirectly assisted such association by being and continued to be members of SIMI by participating in the meetings of SIMI and raising funds and contributions for the purpose of SIMI and possessing unlicensed firearms and explosives in furtherance of the purpose of such association. He stated that it has also been observed by the Court that the apprehended, deceased and absconding accused had formed a criminal conspiracy to spread terror in the state of Gujarat and throughout India, to establish an Islamic regime in India and to overthrow the Gujarat government, and to take revenge against the Gujarat government and remove the government and to take revenge for the loss of life and property of the Muslim community during the communal riots that broke out in the whole of Gujarat when Hindu karsevaks and innocent passengers were burnt to death in the Sabarmati Express train at Godhra on 27-2-2002. As part of the conspiracy, the apprehended, deceased and absconding accused as members of the banned terrorist organization "SIMI", adopted a new identity of "Indian Mujahadeen", despite knowing that SIMI was banned after the year 2002. Its members held meetings at different places in Ahmedabad and Surat and other cities of Gujarat, attended these meetings, made jihadi speeches and carried out terrorist activities. The apprehended, deceased and absconding accused prepared, provoked and trained each other to make bombs as part of terrorist activities by showing bomb making CDs and demonstrating bomb making to give training for making bomb, also hatched a criminal conspiracy to blast bombs in Hindu populated areas at different places in Ahmedabad and Surat and held a terrorist training camp in December 2007 in the forests of Wagamon in Kerala state and in January 2008 in the forests of Pavagadh, Halol of Gujarat state.
- 12.12.4 The PW17 stated before the Tribunal that the evidence produced by him coupled with the intelligence briefing/inputs which are being consistently received from reliable sources, the Anti-Terrorist Squad, Gujarat is of the considered view that the members and sympathizers of the banned association, SIMI are still actively involved in organizing unlawful activities in order to revive its activities in a more destructive manner. The inputs also indicate that the members of the association in a clandestine manner are still trying to carry out their unlawful activities in the names of different organisations.

- 12.13** PW 18 Mr. Ara.Arularasu serves as Superintendent of Police, Special Division, Special Branch Criminal Investigation Department, Chennai, Tamil Nadu. In his affidavit of evidence Ex. PW18/A he has deposed regarding the Case Crime No.722/1999 dated 25.6.1999 registered at P.S.- B-3, Kattoor, Coimbatore City. He has stated that the Case Crime No.722/1999 was registered on the information that on 25.6.1999 at about 1615 hrs in the Coimbatore City, some persons were seen distributing May and June 1999 issues of the SIMI magazine titled 'Seithi Madal', containing sedition articles. They knew that the said articles could bring hatred and excite disaffection towards the government established by law and that the articles were prejudicial to communal harmony between Muslims and other religions.
- 12.13.1** The Ld. Additional District and Sessions Court, Coimbatore, Fast Track Court No. 2 vide a detailed judgement dated 29.02.2012 (Ex. PW18/B) convicted five accused persons namely Samimul Islam, Syed Abdur Rahman, Syed Mohammed, Khadar Bhaba and Shah Jahan (who were the members of SIMI) for the offences u/s 124A and 153B IPC. They were held guilty of portraying the Indian Army and Indian government as their enemy and thereby promoting hatred and ill-will, besides inciting communal passion against the Indian Government in their publications. The convicts filed Criminal Appeals viz. Crl. A. No. 306/2012 and Crl. A. No. 309/2012 before the Madras High Court.
- 12.13.2** Vide the judgment dated 19.12.2019 (Ex. PW18/C) the Madras High Court set aside the conviction of all the convicts for the offence under Section 124A IPC. The convicts namely Syed Mohammed, Khadar Bhaba and Shah Jahan were acquitted for the offence under Section 153B IPC. However, the conviction and sentence imposed by the trial Court on Samimul Islam and Syed Abdur Rahman for the charge under Section 153B IPC was confirmed. He has also filed the incriminating publications seized from the accused from accused No.5, Shajahan as Ex. PW18/D.
- 12.14** PW-22 Mr. Prakash Shivdas Chavan, Head Constable/2616, presently posted at Kulgaon Police Station, Thane Rural (Maharashtra) has filed his affidavit of evidence Ex. PW 22/A. It details the evidence and ongoing investigations related to Crime No. 100/2021, PS-Padgha which involves members of SIMI, justifying the continued ban on the organization SIMI. Crime No. 100/2021 was registered at Padgha Police Station on March 6, 2021, under Sections 188, 269 IPC read with Section 51(B) of the Disaster Management Act. The case was initially investigated by Mr. Chavan during his tenure at Padgha Police Station from August 2016 to November 2022. It is stated that 06.03.2021, at about 9:30 AM, in Navi Vasti, Borivali village, Padgha, Tal-Bhiwandi, Dist-Thane the accused, Adil Elias Khot, organized a religious program "Sharte-A-Nabi" without safety measures during the COVID-19 pandemic, violating prohibitory orders. He thereby breached the prohibition order issued by the District Magistrate issued Under No. Gruha/Ka/-I/T-I/ManaiAadesh/V shi/23-21, dated 25.02.2021. Statements from witnesses and the accused confirmed the involvement of Adil Elias Khot in organizing the unlawful gathering. Charge Sheet was filed on 11.12.2021 in the court of the Ld. JMFC, Bhiwandi, and registered as RCC No. 4180/2021. The trial concluded vide the judgment dated 11.12.2021 (Ex. PW22/C) with the accused found guilty of the offence punishable under section 269 IPC and Section 51(B) of Disaster Management Act.
- 12.14.1** Adil Elias Khot was identified as an active member of SIMI, engaging in activities that promote communal disharmony and threaten national security. The witness stated that SIMI aims to disturb communal harmony and promote terrorism. The accused's activities indicate ongoing unlawful activities linked to SIMI. He stated that SIMI's activities pose a significant threat to national integrity and sovereignty and lifting the ban on SIMI would enable its activists to engage in terror acts, undermining the law and order situation in the country. The affidavit supports the continuation of the ban on SIMI as justified and necessary for the integrity and sovereignty of India.
- 12.15** PW 24 is Mr. Nilesh Nanabhau Sonawane, Assistant Commissioner of Police, Detection-1, Crime Branch, Thane City, Maharashtra. His affidavit, Ex. PW14/A, details the evidence and ongoing investigations related to Crime No. 131/2012 registered at Nizampura Police Station, Bhiwandi which involves members of SIMI, justifying the continued ban on the organization.
- 12.15.1** Crime No. 131/2012 was registered at Nizampura Police Station, Bhiwandi under Sections 307, 120B of the IPC, Section 25 and 27 of the Arms Act. It was initially investigated by ACP B.G. Yashod ACP Crime Branch, Detection-2, Kalyan.
- 12.15.2** On 03.08.2012, the complainant Manoj Raicha was attacked by three bullets while traveling in his car with his police bodyguard, Const. Acharekar. The attack took place in Bhiwandi, Thane District. The complainant and his bodyguard reported the incident, leading to the lodging of an FIR. The complainant suspected the role of the accused Saquib Abdul Hameed Nachan in the attack. The attack was suspected to be motivated by intent to create communal riots between Hindus and Muslims, affecting the sovereignty of the nation. The main accused, Saquib Nachan, was identified as having a history with the banned organization Students Islamic Movement of India (SIMI).

- 12.15.3 During the investigation it was found that the accused Saquib Abdul Hameed Nachan was the mastermind behind the attack. He was the longstanding member of SIMI since 1982 and was also the Secretary of All India SIMI Association in 1987. He was arrested on 04.08.2012 in this case. Saquib Nachan still clandestinely continues to work for SIMI and still a strong sympathizer of the Organization. The accused Guddu Khan was found to be involved in the planning and execution of the attack. He was arrested on 24.08.2012. The accused Shamil Nachan was found to have participated in the conspiracy and planning of the attack. He was arrested on 29.08.2012. The accused Akif Nachan was found involved in planning and execution of the attack. He was arrested on 29.08.2012. The accused Tanveer Jamindar had provided logistical support for the attack. He was arrested on 30.08.2012. Abubakar @ Saif Shaikh was found to be the main shooter in the attack. He was arrested on 03.06.2017.
- 12.15.4 The witness stated in his affidavit that Tanveer's house search on 31.08.2012 led to the recovery of a book titled "*The Muslim Charge-sheet against Government, the Real Face of Indian Judiciary*" by Saquib Nachan. Assembled CPU and similar book along with 3 CDs containing videos and material regarding alleged harassment of Muslims in Palestine and relating to Jihad were also recovered.
- 12.15.5 From the possession of Guddu Khan (Mohammad Hafiz Hamza Khan) a mobile phone was seized. A country-made pistol and 6 live cartridges were recovered from the house of the absconding accused Abu Bakar based on Guddu Khan's statement. A red Pulsar motorcycle (MH-04-DH-5485) was recovered near a public toilet close to a mosque based on Guddu Khan's statement. A mobile phone was seized from a witness who claimed it was used by Abu Bakar. Additionally, Guddu Khan's brother produced another mobile phone per Guddu Khan's instructions.
- 12.15.6 Statements from witnesses and the accused confirmed the involvement in SIMI activities. Charge Sheet was filed on 20.11.2012 in the Special MCOCA Court, Thane U/s. 3(i), (ii), 3(2) & 3(4) of the MCOCA U/s 307, 120 (b), 153A of the Indian Penal Code and Sections 3, 25 & 27 of the Arms Act. Supplementary charge sheets were filed on 14.03.2013 and 13.07.2017 U/s. 16 (1)(b), 18 of UAPA and Sections 353, 153A and 120B of the Indian Penal Code. The trial is ongoing, with 26 witnesses examined so far.
- 12.15.7 The witness stated that the accused were identified as active members of SIMI, engaging in activities that promote communal disharmony and threaten national security and that SIMI aims to disturb communal harmony and promote terrorism. The accused's activities indicate ongoing unlawful activities linked to SIMI. He stated that SIMI's activities pose a significant threat to national integrity and sovereignty and lifting the ban on SIMI would enable its activists to engage in terror acts, undermining the law and order situation in the country.
- 12.16 PW-25 is Mr. Kishor Vasudeo Parab, Assistant Commissioner of Police, Anti Terrorism Squad (ATS), Mumbai, Maharashtra. His affidavit details the evidence and ongoing investigations related to several cases involving members of SIMI, justifying the continued ban on the organization.
- 12.16.1 CR No. 06/2010, PS- ATS, Mumbai - German Bakery Blast- On 13.02.2010 at around 6.50 p.m. in the evening a powerful bomb blast took place at German Bakery, Koregaon Park, Pune in which 17 people died and 56 persons were injured. C.R. No. 83 of 2010 was registered in respect of the said incident at Bund Garden Police Station, Pune under Sections 302, 307, 326, 324, 427, 120-B r/w. Sections 3, 4, 5 of the Explosive Act and Sections 16, 18, 21 of the UAPA. Considering the gravity and intensity of the crime perpetrated, the said offence was transferred for further investigation to the Anti-Terrorism Squad, Maharashtra. The crime was re-registered as C.R. No. 06 of 2010 with the ATS Police Station, Kalachowki, Mumbai.
- 12.16.2 The investigation revealed the involvement of Mirza Himayat Inayat Beg @ Ahmed Beg Inayat Mirza @ Yusuf and his associates, all linked to SIMI. Mirza Himayat Inayat Beg perpetrated the bombing with help from associates, Mohsin Ismail Choudhary, Ahmed Siddhibappa Zafar (Yasin Bhatkal), Riyaz Ismail Shabadari (Riyaz Bhatkal), Iqbal Ismail Shabadari, Fayyaz Kagzi (Zulfikar Fiyaj Ahmed), Sayyad Jabiudeen Sayyad Zakiuddin (Zabi Ansari). All these accused are in judicial custody. At the instance of the accused Mirza Himayat Inayat Beg 1200 gm of RDX explosive, soldering equipment, mobile phones, forged documents, hard disks, pen drive, registers etc. were recovered.
- 12.16.3 On 18.04.2013 Mirza Himayat Inayat Beg was convicted by the Special Court for the offences under Sections 120B, 153A, 302, 307, 435 and 474 of the Indian Penal Code and Sections 10(a), 10(b), 13(1)(b), 13(2), 16(1)(a), 18 and 20 of UAPA and Sections 3(b), 4(a), (b) of Explosive Substances Act, 1908. He was awarded death penalty and life imprisonment as well as fine for the above offences. The accused was convicted u/s 10 of UAPA as a member of unlawful association i.e. SIMI. The Bombay High Court delivered the Judgment in Confirmation Case No. 4 of 2013, on 17.03.2016 (Ex. PW25/B) by which the conviction and sentence of the appellant/accused Mirza Himayat Baig @ Ahmed Baig Inayat Mirza @ Hasan of life imprisonment for the offence punishable under Section 5 (b) of the Explosive Substances Act, 1908 was confirmed. On being

aggrieved by this Judgment, the State of Maharashtra filed a Special Leave Petition (Criminal) No. 5289-5290/2016 before the Hon'ble Supreme Court.

- 12.16.4 LAC No. 03/2006 - MCOCA Special Case No. 16/2006, 18/2006, 20/2007, 08/2009, 20/2012 Police Station - ATS Mumbai. On the 09.05.2006, a Tata Sumo Jeep with the registration number MH14-X-4380 was intercepted by the Anti-Terrorism Squad (ATS) police party on the Verul Aurangabad Road. During the search of the vehicle, the police discovered a significant cache of arms and explosives concealed within ten computer cabinets. The items recovered included ten AK-47 rifles, 2000 live cartridges, 40 magazines, and 30 kilograms of a black-colored sticky explosive substance.
- 12.16.5 Initially the accused Mohammad Amir Shakil Ahmed Shaikh were arrested. Two other occupants of the vehicle, including the driver, managed to escape during the interception. The seized arms and explosives were confiscated, and a complaint was filed by ACP Mr. Kisan Narayan Shengal, leading to the registration of FIR bearing LAC No. 03 of 2006 at ATS Police Station Kalachowky, Mumbai, Maharashtra.
- 12.16.7 It was revealed that Mohammad Amir Shakil Ahmed and Zabiuddin Ansari were in contact with terrorist outfits based in Pakistan. They were involved in promoting jihad and procuring sophisticated arms, ammunition, and explosives for insurgency activities in India. Based on their organized crime activities, provisions of the Maharashtra Control of Organized Crime Act (MCOCA Act), 1999, were invoked. Samples of the seized explosive substances and parts of a dismantled hand grenade were sent for analysis to the Forensic Science Laboratory (FSL), Mumbai, which confirmed their nature as explosives.
- 12.16.8 It is deposed that the confessions from Mohammad Amir Shakil Ahmed and other individuals, including Doctor Mohammad Sharif Shabir Ahmed, Faisal Ata-Ur Rehman Shaikh, and Sayyed Aakif Sayyed Jafaruddin, revealed their active membership in SIMI (Student Islamic Movement of India), which had been declared an unlawful association. Further investigation led to the seizure of a total of 16 AK-47 rifles, 62 magazines, 3200 live cartridges, approximately 43 kg of RDX, and 50 live hand grenades.
- 12.16.9 On 04.09.2006, an initial charge sheet was filed against 16 arrested accused persons and wanted accused under Sections 120B IPC r/w Sections 5, 6, 9B of The Explosive Act 1884, Sections 4 and 5 of the Explosive Substance Act 1908, Sections 3 & 25 Indian Arms Act, Sections 10, 13, 16, 18 & 23 of UAPA, and Sections 3(1) (ii), 3(2), 3(4) MCOCA Act. Further charge sheets were filed against additional arrested and wanted accused persons on various dates.
- 12.16.10 The Special MCOCA Court delivered its judgment on 02.08.2016 (Ex. PW25/E). Out of the 20 accused persons, 12 were convicted. Out of these 12 the following 7 were convicted of the offence punishable under Section 10(a) of the UAPA for being the members of SIMI: Mohammad Amir Shakil Ahmed @ Shaikh Amir Shaikh Shakil, Bilal Ahmed Abdul Rajak Ansari, Sayyed Akib Sayyed Jafaruddin, Afroz Khan Shahid Khan Pathan, Faisal Ata-Ur Rehman Shaikh, Mohd. Aslam s/o Haji Mohd Latif @ Aslam Kashmiri @ Mohd. Salim @ Yusuf @ Imran, Jabiuddin Sayyed Zakiuddin Ansari @ Jabi Ansari.
- 12.16.11 All 12 convicted individuals have filed appeals against their convictions in the Special MCOCA Court's judgment. These appeals are currently pending before the Bombay High Court. The appeals challenge the convictions and sentences imposed by the Special MCOCA Court. The State of Maharashtra has also filed an appeal against the acquittal of the remaining 8 accused persons who were not convicted by the Special MCOCA Court. This appeal is also pending before the Bombay High Court.
- 12.16.12 CR. No. 05/2006, MCOCA Special Case No. 21/2006 PS-ATS Mumbai: The case CR. No. 05/2006 was registered in relation to seven bomb blasts that occurred on local trains on the Western Railway of Mumbai and its suburbs on 11.07.2006. The blasts were a coordinated attack as part of a larger conspiracy involving an organized crime syndicate. The offences were initially registered separately under the jurisdiction of concerned police stations but were later combined and assigned to the Anti-Terrorism Squad (ATS), Mumbai, due to the gravity and seriousness of the incidents.
- 12.16.13 During the investigation, a total of 13 individuals were arrested, and 15 more were identified as wanted accused. The initial charge sheet was filed on for the offence punishable under Section 3(1), 3(2), 3(3), 3(4), 3(5) of MCOCA, 1999 r/w Sections 10, 13, 16, 17, 18, 19, 20 and 40 of UAPA r/w Sections 302, 307, 326, 32, 324, 427, 436, 121- A, 122, 123, 124-A, 201, 212, 120B of IPC r/w Sections 6 and 9B of Explosives Act, 1884 r/w Sections 3, 4, 5 and 6 of Explosive Substances Act, 1908 r/w Section 3 & 4 of Prevention of Damage to Public Property Act r/w Sections 151, 152, 153, 154 of Railways Act, 1989 r/w Section 12(l)(c) of Passports Act, 1967.
- 12.16.14 Special MCOCA Court convicted 12 accused persons out of 13 vide the judgment dated 30.09.2015 (Ex. PW25/F) under various Sections of law. From above, nine convicted accused persons were revealed to be members of Student Islamic Movement of India (SIMI) which is an unlawful association under the UAPA, banned by the Central Government. Their names are as follows: Tanveer Ahamad Mohd Ibrahim Ansari, Mohd Faisal Atari Rehman Shaikh, Ehtesham Kutubuddin Siddiqui, Shaikh Mohammad Ali Alam Ansari,

Mohd. Sajid Marggub Ansari, Muzzammil Aatur Rehman Shaikh, Suhail Mehmood Shaikh, Zameer Ahmed Latifur Rehman Shaikh and Asif Khan Bashir Khan @ Junaid @ Abdulla. The conviction in respect of death penalty confirmation and appeals filed by the accused persons are pending before the Bombay High Court at Mumbai.

- 12.16.15 CR No. 31/2011 Police Station – ATS Mumbai. On 22.08.2011 the ATS Thane Unit received a tip-off from a secret informer about a person named Haroon Naik, who was staying in Room No. 103 at Amber Guest House, Dadar (East), Mumbai. He was suspected to be in possession of a large quantity of counterfeit Indian currency notes intended for circulation. ATS officers raided the guest house and found Haroon Naik. During the search, they recovered a tourist bag containing bundles of counterfeit Indian currency notes of Rs. 1000 and 500 denominations. Additionally, they seized foreign currency from Saudi Arabia, a mobile SIM card, a driving license, a gift card, an international calling card, a mobile handset, an electronic air ticket, baggage tags, and an Indian passport among other items. During the investigation, Haroon Naik confessed to possessing the counterfeit currency notes and revealed his plan to circulate them as genuine. Consequently, an offence was registered under Sections 489A, 489B, and 489C of the Indian Penal Code (IPC) at ATS Kalachowky Police Station.
- 12.16.16 Haroon also disclosed the involvement of two other individuals: Asrar Ahmed Abdul Hamid Tailor @ Sagari and Azhar Ul Islam Mohd. Ibrahim Siddiqui @ Munna. The investigation revealed that Asrar had arranged a meeting between Haroon and the wanted accused Riyaz Bhatkal at the SIMI office in Kurla, Mumbai. Riyaz Bhatkal facilitated Haroon's visit to Pakistan for militant training. Similarly, Azhar was sent to Pakistan for militant training to carry out subversive activities in India.
- 12.16.17 Efforts to trace and apprehend other accused individuals, including Din Mohd., Tarique Ismail, and Riyaz Bhatkal, were unsuccessful. On 16.11.2011, the investigating officer filed the charge sheet after obtaining the necessary sanctions from the State Government/Competent.
- 12.16.18 Vide the judgment dated 07.02.2018 (Ex. PW25/G) the trial court sentenced Haroon Rashid Abdul Hamid Naik and Asrar Ahmed Abdul Hamid Tailor to six years of rigorous imprisonment under Section 489-C of the IPC. They were acquitted of charges under Sections 10, 11, 13, and 18 of the UAPA. The State Government has appealed against their acquittal in Criminal Appeal No. 592 of 2019
- 12.16.19 CR No. 02/2012 - Police Station- ATS Mumbai. On 03.06.2012, the Aurangabad Unit of the Anti-Terrorism Squad (ATS), Maharashtra, received credible information about Abrar @ Munna @ Abdulla @ Ismail, an active member of the unlawful organization Student Islamic Movement of India (SIMI) and Indian Mujahideen (IM). Abrar, an absconder in the Ahmedabad Serial Blast case of 2008, was expected to meet his associates in Aurangabad to commit a terrorist act. Based on the information, the ATS laid a trap and arrested Mohd. Abrar Khan @ Munna Babu Khan, Age 32 years, R/o Chandan Nagar, Indore, (MP) and Shaker @ Khalil Akil Khilji, Age 20 years, R/o Gulmohor Colony, Burhanpur Road, Khandwa (MP). A cognizable offence was registered at Begumpura Police Station (Cr. No. 25 of 2012) under Sections 307, 333, 335, 336, 338, 352, 353, and 34 of the IPC, read with Sections 3, 25, and 27 of the Arms Act and Section 135 of the Bombay Police Act. This case was investigated by the State CID, Crime, Aurangabad Unit .
- 12.16.20 Following the interrogation of the arrested individuals, the ATS Akola Unit conducted further raids on March 27, 2012, in Chikhali and Sailani villages in Buldana District, resulting in the arrest of Akhil Yusuf Khilji, Age 45 years, R/o Gulmohor Colony, Khandva (MP) and Jaffer Hussain Iqbal Hussain Qureshi, Age 32 years, R/o Sales Tax Colony, Magekhadva, Madhya Pradesh. During the house searches, ATS seized one firearm, five live cartridges, and inflammatory literature belonging to SIMI. Consequently, a separate offence was registered at ATS Kalachowky Police Station (CR No. 02/2012) .
- 12.16.21 During the investigation, the following individuals were arrested: Akhil Yusuf Khilji (Since deceased), Jaffer Hussain Iqbal Hussain Qureshi, Mohd. Abrar Khan @ Munna Babu Khan, Anwar Ibrahim Hussain, Shaker @ Khalil Akil Khilji and Amman @ Sharafat @ Sarfaraj
- 12.16.22 On 21.09.2012, a charge-sheet was filed against five accused persons (RCC No. 2742/2012). A supplementary charge sheet against the sixth arrested accused was filed in 2016. As of the latest update, five prosecution witnesses have been examined. The case is pending trial before the Special Court at Akola .
- 12.16.23 LAC No. 04/2006 Police Station - ATS Mumbai. During the course of investigation of Railway Bomb Blast Case, ATS team Mumbai received information that one member of the "Student Islamic Movement of India" (SIMI) Ehtesham Qutubuddin Siddiqui was carrying out the activities and ideology of SIMI in spite of the Central Government declaring it an unlawful association. On the basis of said information raid was conducted by ATS team on 28.07.2006 at house of accused Ehtesham Qutubuddin Siddiqui at Mira Road, District Thane. during search of the said house of the accused, books having titles "Jihadi-Fi-Sabiullah", "Jihadi Azgar", "Jihadi-Fisibililah Quo", 4 CDs, one micro cassette taperecorder, two micro cassettes, one chart showing names of office bearers of SIMI at the Central & State levels, diaries of attendance were recovered from him. First Information Report was registered as LAC No. 04/2006, under

Sections 10, 13 UAPA at ATS Police Station Kalachowky, Mumbai. During course of interrogation of accused Ehtesham Qutubuddin Siddiqui, Danish Riyaz Shaukat Ali Shaikh, Minaz Mukhtar Nachan and Saif Atik Nachan, it was revealed that Shakil Warsi Abu Nasir was an active member of banned association SIMI and used to visit the accused Ehtesham Qutubuddin Siddiqui and attend meetings of SIMI along with other accused persons.

- 12.16.24 It was found that the accused persons namely Ehtesham Qutubuddin Siddiqui, Danish Riyaz Shaukat Ali Shaikh, Minaz Mukhtar Nachan, Saif Atik Nachan were all active SIMI members and were promoting its ideology.
- 12.16.25 After trial in the case the Court had delivered Judgment on 21.10.2016 (Ex. PW25/L) and thereby convicted accused Ehtesham Qutubuddin Siddiqui for the offences punishable under Sections 10(a), 13(1) of UAPA and acquitted other 3 accused persons.
- 12.16.26 It is further stated by the witness that the investigation in said case is in progress and charge sheet is yet to be filed against accused namely, Asrar Ahmed Abdul Hamid Tailor, Irshad Salim Khan, Hafij Hussein Tajuddin Mulla, Padikkal Abdul Karim Shibli @ Ali, Ezaz Akram Khan and Eliyas Akram Khan @ Ellu and wanted accused persons.
- 12.16.27 The testimony of this witness and the contents of the affidavit support the continuation of the ban on SIMI as necessary for the integrity and sovereignty of India. The detailed evidence and findings underscore the ongoing threat posed by SIMI's activities.
- 12.17 The Government has examined Mr. Vasant Jadhav, Deputy Commissioner, State Intelligence Department, Headquarters, Mumbai (Maharashtra) as the witness PW26. He is the duly appointed Nodal Officer for the State Of Maharashtra [except Mumbai City and Anti Terrorist Squad (ATS)]. In his affidavit of evidence he has deposed regarding various cases pending against members of SIMI Organization which were investigated by various police stations in the State of Maharashtra. He has stated that the members of the said association are still active in radicalizing and brainwashing the gullible youth through provocative speeches against India. He has also stated that the members are indulging in a lot of activities, aiming at destroying the sovereign territory of India. They are also a threat to the peace, criminal harmony, internal security, and secular fabric of Indian society. The cases included in his affidavit of evidence are as follows:
- 12.17.1 C.R. No. 3182/2006, Sadar Police Station, Nagpur: - On 08/08/2006 PSI Sanjay Patange, acting on orders from the Senior Police Inspector, investigated the activities of the banned organization SIMI. Reliable information indicated that the accused Shakil Warsi, Shakir Ahmed and 3 others were holding a secret meeting to create provocative and objectionable information to incite Muslim youths to commit subversive acts against the nation in the name of Jihad. The investigation revealed that the accused were actively involved in spreading SIMI's ideology. Sections 10 and 13 of the UAPA were invoked in the case against the accused persons. During investigation it was found that the accused person are related to the banned organization SIMI. The accused were arrested, and a chargesheet was filed on 03.10.2006. The trial is ongoing with some witnesses already examined.
- 12.17.2 C.R. No. 3065/2009, Murtijapur Police Station, Akola: On 19.07.2009 P.I. P.R. Giri received secret information that members of the banned organization SIMI were gathering at Chotti Masjid, Mana, for a meeting. A nakabandi (checkpoint) was set up, and the police intercepted an Indica car carrying the accused. Upon searching the car, the police found and seized objectionable materials, including CD titled "Darusal Quran", papers written in Urdu language, pamphlets and other objectionable materials related to SIMI's ideology and intended to provoke violence and communal disharmony. Cr.No. 3065/2009 for the offences punishable under Sections 10 & 13 of UAPA was registered. The accused persons namely Abdul Rajjaq, Syed Ibrahim, Musad Khan, Mohmmad Rafiq Abdul Rehman, Abdul Ahad Abdul Samad, Mohmmad Harun Gyasuddin, Mohmmad Siddiq Abdul Wahab and Sheikh Mahemud/Munnabhai Sheikh Lai are facing trial before the Court.
- 12.17.3 C.R. No. 131/2012, Nizampura Police Station, Thane: The case is already discussed herein above while considering the evidence adduced by PW24, Mr. Nilesh Nanabhau Sonawane, Assistant Commissioner of Police, Detection-1, Crime Branch, Thane City, Maharashtra.
- 12.17.4 C.R. No. 117/2010, Aundha Police Station, Hingoli: The case has been discussed in detail hereinafter in the evidence of PW32 Mr. Maroti Dnyanoji Thorat, Sub Divisional Police Officer (SDPO), Basmat, District Hingoli, Maharashtra.
- 12.17.5 Crime No. 103/2001 registered at PS- M.I.D.C. Jalgaon on 28.07.2001 under Sections 153A, 120B, 121, 121A, 122, 123, 201, r/w 34 of IPC and Sections 4(a), 4(b), and 5 of the Indian Explosives Substance Act, 1908: This case is discussed in detail hereinafter in the evidence of PW27 Mr. Pramod Abhiman Pawar, Deputy Superintendent of Police, Jalgaon, Maharashtra.

- 12.17.6 Crime No. WL04/2015, under section 26 (1) (i) of the Indian Forest Act, 1927, and under Sections 9, 39, 51, 52 of the Wildlife Protection Act, 1972, Range Forest Office - Aundha Nagnath: This case is discussed in detail herein after in the evidence of PW30, Mr. Kundlik Rambhau Hore, Range Forest Officer in Aundha Nagnath, Dist. Hingoli, Maharashtra subsequently in this report. The same may be referred for details.
- 12.17.7 Crime No. 15/2023 dated 11.01.2023 P.S.- Padgha, Thane (R): This case has already been discussed in detail while considering the evidence of PW21 Mr. Amol Nandkumar Salunkhe, Assistant Police Inspector, PS-Padgha, Thane (Rural), Maharashtra.
- 12.17.8 Crime No. 0203/2022 dated 26.06.2022, P.S. - Padgha, Thane (R): This case has already been discussed in detail in the evidence of PW23 Mr. Rahul Ramchandra Zalte, Deputy Superintendent of Police, Ganeshpuri Division, Distt.-Thane (Rural) Maharashtra.
- 12.17.9 Crime no. 100/2021 dated 06.03.2021, P.S. - Padgha, Thane (R): This case has already been discussed in detail in the evidence of PW-22 Mr. Prakash Shivdas Chavan, Head Constable/2616, presently posted at Kulgaon Police Station, Thane Rural (Maharashtra).
- 12.17.10 Mr. Vasant Jadhav has stated that the above mentioned cases show the active role of the members or sympathizers of SIMI, engaged in spreading its ideology, provoking communal disharmony, and participating in unlawful activities. He also stated that SIMI's objectives include governing human life based on the Quran, propagating Islam, and conducting Jihad for the cause of Islam. He has further stated that SIMI's activities are detrimental to national security and communal harmony. His evidence underscores the need for the continued ban to prevent SIMI from regrouping and engaging in more sinister activities. His affidavit provides detailed instances of SIMI members' involvement in provocative and anti-national activities even after the imposition of the ban, emphasising the importance of maintaining the prohibition.
- 12.18 The Government has further examined PW 27 Mr. Pramod Abhiman Pawar, Deputy Superintendent of Police, Jalgaon, Maharashtra. His affidavit details the evidence and ongoing investigations related to Crime No. 103/2001, PS- M.I.D.C. which involves members of SIMI, justifying the continued ban on the organization.
- 12.18.1 Crime No. 103/2001 registered at PS- M.I.D.C. Jalgaon on 28.07.2001 under Sections 153A, 120B, 121, 121A, 122, 123, 201, r/w 34 of IPC and Sections 4(a), 4(b), and 5 of the Indian Explosives Substance Act, 1908 based on intelligence inputs that members of SIMI were involved in planning and executing activities intended to disturb communal harmony and threaten national security. The investigation was conducted by the Jalgaon Police under the supervision of Mr. Pawar. The accused were suspected of conspiring to commit acts of terrorism, including the use of explosives. Surveillance operations were conducted to monitor the activities of the suspected SIMI members. Based on the surveillance, raids were conducted at various locations in Jalgaon where the accused were found to be engaged in planning and executing unlawful activities. During the raids, several accused were apprehended, and incriminating materials were seized, including explosives and provocative literature. *Several individuals namely Ilyas Shaikh Yusuf, Shakeel Ahmed Abdul Hannan, Irfan Abdul Rauf, Rizwan Shaikh Rashid, Md. Wakarul Husen Mujffar Husen, Guljar Ahmed Gulam Mohammad, Mushtaq Shaikh Shafi, Shaikh Rashid Shaikh Chand, Parwej Khan Riyajuddin Khan and Asif Khan Bashir Khan were found involved in the offence. Some of the accused persons were key members of SIMI.* They were actively involved in planning and executing unlawful activities and found to have played significant roles in coordinating with other members and arranging meetings to further SIMI's objectives. Various explosives and related materials were seized during the investigation, including bomb-making materials and detonators. Objectionable materials and literature related to SIMI were found, indicating their intention to provoke communal disharmony and incite violence. This included pamphlets, books, and written plans for terrorist activities. CDs and other digital materials containing provocative content promoting SIMI's ideology were seized. These contained videos and images meant to incite violence and recruit new members. (Emphasis supplied)
- 12.18.2 Statements from witnesses and confessions from some of the accused confirmed their involvement in SIMI activities. The accused admitted to planning terrorist activities and trying to recruit young people to their cause. The seized materials underwent forensic examination, confirming their connection to SIMI and their potential to cause significant harm. The explosives were found to be viable and capable of causing mass destruction.
- 12.18.3 The initial charge sheet was filed on 24.10.2001 detailing the involvement of the accused and the materials seized. Supplementary charge sheets were filed on 20.10.2006 and 23.03.2007 following further investigations and arrests.
- 12.18.4 The trial for the initial group of accused concluded with the 2nd Ad-hoc Addl. Sessions Court, Jalgaon, convicting six accused namely Shaikh Ilyas Shaikh Yusuf, Shaikh Shakeel Ahmed Abdul Hannan, Shaikh Irfan Abdul Rauf, Shaikh Rizwan Shaikh Rashid, Md. Wakarul Husen Mujffar Husen and Guljar Ahmed Gulam Mohammad on 19.05.2006. The court found them guilty of conspiracy to commit acts of terrorism,

inciting communal violence, and possessing explosive materials. The certified copy of the judgment dated 19.05.2006 passed by the Ld. 2nd Ad-hoc Addl. Sessions Judge, Jalgaon in Sessions Case No. 126/2002 was produced as Ex. PW27/B.

12.18.5 The supplementary trials for the later arrested accused concluded with the District Judge-4 and Additional Sessions Judge, Jalgaon, convicting two accused namely Asifkhan @ Juned@ Abdulla Bashir Khan Parwejkhan Riyajuddin Khan on 01.04.2017. They were found guilty of similar charges, including being part of a larger conspiracy to destabilise the nation. The certified copy of the judgment dated 01.04.2017 passed by the Ld. District Judge-4 and Additional Sessions Judge, Jalgaon in Sessions Case No. 173/2006 was produced as Ex. PW27/C.

12.18.6 It is further stated by the witness that several accused have been convicted and are serving their sentences. Some remain absconding, and efforts are ongoing to apprehend them. The convictions have reinforced the need for continued vigilance against SIMI activities.

12.18.7 The witness stated that SIMI's activities pose a significant threat to national integrity and sovereignty. The organization's persistent efforts to incite violence and recruit individuals for terrorist activities underscore the ongoing risk it presents. He stated that lifting the ban on SIMI would enable its activists to engage in terror acts, undermining the law and order situation in the country. The continued ban is necessary to prevent the resurgence of SIMI's activities and protect national security.

12.19 Mr. Siraj Hajaratsaheb Inamdar, ACP, SB-1, CID, Mumbai City, Maharashtra has been examined by the Central Government as the PW28. His affidavit of evidence Ex. PW28/A details the evidence and ongoing investigations related to several cases involving members of SIMI, justifying the continued ban on the organization. The said cases are as follows:

12.19.1 LAC No. 1692/2001 - P.S. - Dharavi: On 28.09.2001 the Dharavi Police Station registered a case (LAC No. 1692/2001) against Mohd. Munaf @ Munna Yusuf Vora for being a member of the banned organization SIMI. The police raided his shop, Vora Plastics, located at 146/C, Main Road, Dharavi, Mumbai-17, and seized pamphlets related to SIMI in Hindi, Urdu, and English. The shop was raided by PSI Rashid Shaikh and staff, leading to the seizure of SIMI-related pamphlets. An FIR was registered under Sections 10 and 13 of the UAPA. Munaf was arrested on the same day. Following Munaf's interrogation, his associate, Sajid, was identified and arrested on 30.09.2001. A search of Sajid's residence resulted in the seizure of additional SIMI-related pamphlets and receipt books. Sajid was arrested and pamphlets were seized under panchanama by PSI Rashid Shaikh. Both accused were subsequently released on bail. A charge sheet was filed on November 1, 2001, in the court of the Ld. Metropolitan Magistrate, 12th Court, Bandra, Mumbai. The case was registered as CC No. 1128/P/2001 and is pending trial. The case is pending for trial before the Ld. Metropolitan Magistrate, 12th Court, Bandra, Mumbai.

12.19.2 CR No. 152/2008 Registered with the DCB, CID, Mumbai : Case CR. No. 152 of 2008 involves the investigation of individuals connected to terrorist activities, including bomb blasts. The case was handled by the Cyber Cell, DCB, CID, Mumbai, and later by the Criminal Intelligence Unit (Operations), DCB, CID, Mumbai. On 15.08.2008 Property Cell, DCB, CID, Mumbai, arrested car thief Afzal Mutalib Usmani in Uttar Pradesh. During interrogation, Usmani admitted to stealing cars used in bomb blasts in Surat and Ahmedabad. Cases related to these thefts were registered at Vile Parle, Nagpada, and Khar Police Stations. On 24.08.2008 CR No. 314/2008 was registered by PSI Sunil D. Jadhav under Sections 295(A), 505(ii), 506(ii), and 507 of IPC.

12.19.3 The investigation was initially handled by the Cyber Cell, DCB, CID, Mumbai. On 23.09.2008 the investigation of CR No. 314/2008 was transferred to the Criminal Intelligence Unit (Operations), DCB, CID, Mumbai, and re-registered as CR No. 152/2008. Usmani was arrested in connection with this case.

12.19.4 On 24.09.2008 following Usmani's interrogation, multiple arrests were made in Sewree, Kurla, and other areas of Mumbai. The arrested included Sadique Israr Ahmed Shaikh, Mohd. Arif Badruddin Shaikh, Mohd. Jakir Abdul Haq Shaikh, Ansar Ahmad Badshah Shaikh. During interrogation, they admitted their involvement in the said crime and Bomb Blasts in Gujarat and other states. They have also admitted to having received the motor cars from Afzal Mutalib Usmani and the same were used in the said bomb blasts. Two revolvers, one carbine with two magazines and 38 live cartridges were recovered at the instance of accused Sadique Israr Ahmed Shaikh under Memorandum Panchnama from a garment factory at Sewree. The said factory belongs to the wanted accused Abu Rashid Iqlak Ahmed Shaikh. The accused persons namely Sadik Israr Shaikh, Arif Badruddin Shaikh @ Arif Badar @ Laddan and Mohamad Ansar Ahemad Badsha Shaikh gave confessional statements. As per their statement, they have admitted their guilt. The contraband of 10 kg of Gelatin, 15 Detonators, 4 Timers and 8 kg of ball bearings were also recovered at the instance of accused Mohd. Arif Badruddin Shaikh @ Arif Badar @ Laddan under memorandum panchnama. Interrogation of the initial suspects led to further arrests, including Asif Bashir Shaikh, Mohd. Mansoor Asgar Peerbhoy and Mubin @ Salman Kadar Shaikh. Four laptops, wireless routers & cards, spy locators, Wifi location detector,

RF signal detectors. Reliance wireless net connector, two hard disc, three CPU, one TV, one VCD player, CDs, one pistol with seven live cartridges, folding tent, two sets of walkie-talkies, two knives, jacket, life jackets, three glass suction plates, one toy pistol, mask, wire cutter, glass cutter, stamp, stamp pad, sleeping injections, tablets, Jehadi religious books, audio cassettes, mobile phones, three pen drives, one cheque and other religious materials were recovered at the instance of accused Asif Bashir Shaikh under panchnama from Pune. Mohamad Akbar Ismail Chaudhari @ Saeed, Anik Shafiq sayyad @ Khalid, Majid Akhtar Shaikh, Yasir Anis Sayyad @ Hujefa, and Farooq Sharfuddin Tarqas @ Abdulla @ Peter were also found along with the above contraband. They were also arrested in this case.

- 12.19.5 Prior approval was obtained to apply MCOCA Sections from Jt.C.P. (Crime), Mumbai on 07.10.2008. Sanction for prosecution under MCOC Act, 1999, was obtained from the Commissioner of Police, Mumbai, on 12.02.2009. A charge sheet was filed against 21 accused persons before the MCOCA Court, Mumbai. Investigations revealed a broader network, leading to arrests in Mangalore, Pimpri, and Parbhani. Recovered items included 5 hand grenades and Rs. 11 lacs in cash. Arrested individuals included Mohammad Atiq Mohammad Iqbal, Dustgir Feroz Muzawar, Fazal Rehman Mussadiq Khan Durani, and Dr. Anwar Abdulgani Bagwan.
- 12.19.6 The arrested accused confessed that they were active members of banned SIMI organization as well as they had used the money received by selling stolen vehicles for giving effect to the criminal activities of SIMI. As such wanted accused Riyaz Bhatkal, Iqbal Bhatkal and his associates have started their terrorist activities under the name of "Indian Mujahideen". Thus, SIMI members have connection with the terrorist organization "Indian Mujahideen." (*Emphasis added*)
- 12.19.6 All 21 accused were placed in judicial custody, with the case pending trial as MCOC Special Case No. 04 of 2009. A supplementary charge sheet was filed on 15.10.2011 against Mobin Abdul Khan @ Irfan and Amin Ayub Shaikh, who were arrested on 20.07.2011 and placed in judicial custody. The witness stated that despite the ban on SIMI, investigations indicated continued illegal and anti-national activities by its members. The witness emphasized the necessity of maintaining the ban to prevent further disruption to national security and communal harmony.
- 12.19.7 CR No. 275/2001 - Police Station Kurla : On 28.09.2001 the instant case was registered by PSI Ugale u/s. 143, 144, 145, 147, 149, 353 IPC r/w 10, 13, UAPA based on information regarding the involvement of several individuals in SIMI activities. The primary accused included Shafiq Ahmad Ali Ahmad, Altaf Abdulla Chaugule, Mohammad Ali Barkat Ali, Irshad Khan Salim Khan, Inteshyam Kutubuddin Siddiqui, Tanvir Ahmad Ansari, Mohsin Hidaytulla Mirza, and Mujmil Hasan Bagdadi. After being produced in court for remand, the accused and their supporters raised slogans that were inflammatory and aimed at disrupting communal harmony. The slogans included "*Hindustan Murdabad*" "*SIMI Zindabad*" and other provocations. The police attempted to control the situation, but the accused and their supporters continued their disruptive behaviour, causing a commotion within the court premises.
- 12.19.8 The accused and their supporters engaged in physical scuffles with the police officers present. They pushed and assaulted police constables on duty, leading to a tense situation that required significant police intervention to control. Four additional individuals were arrested during this incident for their involvement in the scuffle and their support of the accused. These individuals were identified as Sarjeet Shaikh Asif Shaikh, Abdul Khan Khalid Khan, Shirtaj Ahmad Shaikh Mansoori, and Abdul Rahim Shaikh Ab. Rashid Shaikh.
- 12.19.9 The investigation revealed that the accused were actively involved in SIMI's illegal activities, including attending meetings and distributing pamphlets aimed at inciting communal disharmony and promoting SIMI's agenda. Searches conducted at the residences of the accused led to the seizure of various materials linked to SIMI, including pamphlets, books, and other propaganda materials in Hindi, Urdu, and English.
- 12.19.10 The investigation also uncovered connections between the accused and other criminal activities, further highlighting the organized nature of their involvement in SIMI's unlawful operations.
- 12.19.11 On 19.01.2003 the charge sheet was filed against the accused before the Ld. Metropolitan Magistrate, 51st Court, Kurla, Mumbai. The charge sheet included evidence gathered during the investigation, such as witness statements and seized materials. On 20.11.2014 the trial court, in its judgment, acquitted several accused due to insufficient evidence but directed the filing of a separate charge sheet against those who were declared absconders.
- 12.19.12 On 30.12.2017 Sarjeet Shaikh Asif Shaikh (one of the absconders) was detained at Chhatrapati Shivaji International Airport based on a lookout notice and subsequently brought to trial.
- 12.19.13 LAC NO. 34 OF 2006 Registered with the DCB, CID, Mumbai and LAC No.1106/2006 Police Station - Ghatkopar : LAC No. 34 of 2006 was initially registered as LAC No. 1106 of 2006 at Ghatkopar Police Station and subsequently transferred to the DCB CID Unit VII. The case involves individuals linked to the banned organization SIMI who were planning to commit unlawful activities during the Ganesh Utsav

festival in Mumbai. On 1.8.2006 the DCB CID Unit VII received information that two members of the SIMI, Shabbir Ahmed Mashiullah from Malegaon District Nashik and Nasif Ahmed Jamir Ahmed Ansari from Mumbai, were preparing to disrupt public peace during the Ganesh Utsav festival with the intention of causing damage to life and public property. They had allegedly gone to Pakistan via Dubai in May/June 2003 to receive training in handling arms, ammunition, and bomb-making, and re-entered India via Kathmandu in August 2003, destroying their passports to hide evidence of their visit.

12.19.14 The accused Shabbir Ahmed Mashiullah and Nasif Ahmed Jamir Ahmed Ansari were interrogated after their arrest and confessed to being members of SIMI. They revealed that they had participated in SIMI meetings and had been trained in Pakistan to carry out unlawful activities aimed at causing public harm. During the investigation, it was revealed that Riyaz Mohammad Ismail Shah (Riyas Bhatkal) and Tariq Ismail Abdul Sattar, along with an accomplice named Aziz, had facilitated their travel to Pakistan for training and their return to India. PSI Shripad B. Kale lodged a complaint with Ghatkopar Police Station, leading to the registration of LAC No. 1106 of 2006 under Sections 10 and 13 of the UAPA.

12.19.15 Nasif Ahmed Jamir Ahmed Ansari gave a disclosure statement and led the investigation team to his residence at Flat No. 43, A/G/4, Saibaba Nagar, Road No. 6, Shivajinagar, Gowandi, Mumbai-43. Incriminating materials related to the SIMI organization were recovered, including the magazine "*Student Islamic Movement of India Rudal, 1998-2000*", pamphlets, and books in Urdu and Hindi languages. It was discovered that Nasif Ahmed Ansari received Rs. 20,000 from another terrorist named Sufi in Dubai via Western Union at Akbar Ali Chembur, Mumbai. Shabbir Ahmed Mashiullah had also attended SIMI meetings in Malegaon. Accused Tariq Ismail Abdul Sattar and Mohammad Ali Alam Shaikh (Aziz) assisted the arrested accused in obtaining passports, visas, and plane tickets for their travel to Dubai and onward to Pakistan.

12.19.16 After completing the investigation, a charge sheet was filed before the Ld. Additional Chief Metropolitan Magistrate, Mumbai. One of the wanted accused Mohd. Ali Alam Shaikh @ Aziz who was absconding was arrested by the police on 10.11.2011. Supplementary charge sheet dated 07.12.2011 was filed in the Court of the Ld. Addl. CMM, Esplanade Court, Mumbai in CC No865/PW/2011. Accused No.1 Shabbir Ahmed Mashiullah expired on 02/03/2015. Vide the judgment dated 25/09/2019 the accused no. 2 Nafis Ahamad Jamir Ahamd Ansari and accused no 3 Mohd. Ali Alam Shaikh @ Aziz were held guilty of committing for the offence punishable under section 10 of UAPA.

12.19.17 Special Case No. 2 of 2003, Mumbai: This case involves multiple bomb blasts that occurred in Mumbai, linked to terrorist activities planned and executed by members of the banned organization SIMI. The blasts resulted in significant casualties and property damage, prompting an extensive investigation by the Mumbai Police and other agencies.

12.19.18 On 06.12.2002 an explosion at Mumbai Central Railway Station injured 23 people. The blast occurred during the bandobast duty for Dr. Babasaheb Ambedkar's death anniversary. The bomb exploded near McDonalds Hotel, causing extensive damage and spreading panic. On 27.01.2003 an explosion occurred at Monghibai Market Road, Vile Parle. The blast resulted in one fatality and injuries to 32 people. The damage to property was estimated at Rs. 2 lakhs. Initial investigation at the site revealed a bomb explosion caused by an explosive device placed on a cycle. On 13.03.2003 an explosion on a Karjat local train at Mulund Railway Station resulted in 11 deaths and injuries to 82 people. The blast caused significant damage to the train compartment and surrounding areas.

12.19.19 Several suspects were arrested following the blasts. Key individuals were interrogated, leading to the recovery of evidence, including explosive materials, documents, and confessions linking them to SIMI and the blasts. Confessions were recorded under Section 32 of the Prevention of Terrorism Act (POTA), revealing detailed plans and execution of the blasts by the accused.

12.19.20 The investigation identified multiple individuals involved in the planning and execution of the blasts. The accused in Special Case No. 2 of 2003 were key members of the banned organization SIMI, involved in planning and executing multiple bomb blasts in Mumbai. Saquib Abdul Hamid Nachan, a central figure, orchestrated the conspiracy and coordinated with other members to carry out the attacks. Ateef Nasir Mulla, Hasib Zubeir Mulla, and Gulam Akbar Abdul Sattar Khotal played significant roles in the operational aspects of the blasts, including the procurement and assembly of explosive devices. Noor Mohammed Ansari, Dr. Wahid Jabbar Ansari, and Anwar Ali Khan were actively involved in the logistics and transportation of explosives. Farhaan Abdul Malik Khot, Mohammad Kamil Shaikh, Muzammil Akhtar Ansari, Haroon Rashid Loha, Rashid Ahmed Ansari, Adnan Bilal Mulla, and Mohd. Sayyad Sadiq Turaballi assisted in various capacities, from facilitating communications to providing safe houses for the conspirators.

12.19.21 The investigation led to the recovery of substantial evidence linking the accused to the bomb blasts. Confiscated items included explosives, detonators, and materials used in bomb-making, such as gelatin sticks and ball bearings. From the accused persons' residences and hideouts, law enforcement recovered detailed

maps and plans outlining the targeted locations for the blasts. Electronic devices, including laptops and mobile phones, were seized, containing communications and instructions for executing the attacks. Additionally, the authorities recovered financial records and documents evidencing monetary transactions for purchasing explosive materials and funding the operations. The thorough recovery of these items provided crucial evidence for prosecuting the accused and establishing their roles in the terrorist activities.

12.19.22 A charge sheet was filed against the accused under various Sections of POTA, IPC, and the Explosive Substances Act. The case was registered as Special Case No. 2 of 2003 before the Designated POTA Court, Mumbai for trial for the offences under Section 3, 4, 5, 20, 21(2), 21(4) of POTA Act, 2002 r/w under Section 120B, r/w 302, 34, 307, 324, 326, 427, 121A, 122 of IPC r/w under Section 5, 9(B) of the Explosive Act, 1884 r/w under Section 3, 4, 5 of the Explosive Substances Act, 1908 r/w Section 3 of Damage to Public Property Act r/w under Section 151, 152, 153 of the Indian Railways Act.

12.19.23 Initially, 17 accused were arrested. During the trial, two accused (Mohd. Sayyed Sadiq Turab Ali and Rashid Ahmed Abdul Malik Ansari) died, and one accused (Arif Hussain Sabir Hussain Shaikh) was released due to insufficient evidence. Vide the judgment dated 06.04.2016, the Special Court convicted 10 accused persons for several offences. The convicted individuals filed criminal writ petitions in the Bombay High Court against their convictions. The State also filed appeals against acquittals and for enhanced punishments. He has placed on record the copies of the documents relating to the record of the aforesaid 05 cases as Ex. PW28/B to Ex. PW28/F.

12.19.24 It is stated by the witness that the investigation and legal proceedings of Special Case No. 2 of 2003 highlight the extensive efforts by law enforcement agencies to bring the perpetrators of the Mumbai blasts to justice. The case underscored the challenges in prosecuting individuals involved in terrorist activities and the need for robust legal frameworks to address such threats to national security. He stated that the accused were involved in promoting SIMI's ideology, inciting communal violence, and planning terrorist activities. That the SIMI aims to disturb communal harmony and promote terrorism. He advocated for the continuation of the ban on SIMI as necessary for the integrity and sovereignty of India.

12.20 Ms. Madhuri Dilip Baviskar, Assistant Commissioner of Police, Sadar Division, Nagpur City, Maharashtra has been examined as the witness PW29. Her affidavit Ex. PW29/A details the evidence and ongoing investigations related to Crime No. 3182/2006 registered at Sadar Police Station on August 8, 2006, under Sections 10 and 13 of the UAPA and which involves members of SIMI, justifying the continued ban on the organization. On 08.08.2006, PSI Sanjay Patange received reliable information about a secret meeting held by members of SIMI at Sadar, Nagpur City. The meeting was held to create provocative objectionable information and spread it to others to encourage Muslim youths to commit subversive acts in the name of Jihad against the nation.

12.20.1 Shakil Warsi was identified as the Organizer of the secret meeting and as a key member of SIMI. He was actively involved in planning and executing the meeting to spread SIMI's ideology and provoke subversive acts. He was arrested on August 8, 2006. Shakir Ahmed was a participant in the secret meeting and identified as an active member of SIMI. He assisted in organizing the meeting and spreading SIMI's provocative materials. He was also arrested on August 8, 2006. Three other accused were also found to be participants in the secret meeting and identified as members of SIMI. They were also on August 8, 2006. Charge sheet in the case was filed on October 3, 2006, by the then Assistant Commissioner of Police N.D. Gore. The trial is ongoing with 3 witnesses examined so far.

12.21 Mr. Kundlik Rambhau Hore, the Range Forest Officer, Aundha Nagnath, District Hingoli, Maharashtra is examined as the witness PW30. His affidavit of evidence Ex. PW30/A detailed the evidence and ongoing investigations related to WL No. 04/2015 registered at Range Forest Office, Aundha Nagnath, Hingoli, which involves members of SIMI, justifying the continued ban on the organization. The case was registered under Section 26(1)(i) of the Indian Forest Act, 1927, and Sections 9, 39, 51, 52 of the Wildlife Protection Act, 1972.

12.21.1 On 09.08.2015 Forest Guard Shivramkrushna Sitaram Chavan, Sukapur beat, under the range forest office Aundha Nagnath, received secret information about illegal hunting activities in the reserve forest compartment no. 612A. The investigation team led by P. G. Kokitkar, RFC, Mobile Squad, Hingoli, along with Divisional Forest Office field staff, discovered a dead Nilgai (Blue Bull) with parts of its body dismantled, indicating poaching. An auto rickshaw and a motorcycle used in the poaching were seized as part of the investigation. The accused persons namely Sajjad Khan Yunus Khan Pathan, Vakaroddin Ifroddin Inamdar, Dr. Sayyad Afaq Hussain Khatib, Musabhai, Nawab Bhai and Shekh Najir Sheikh Mohd. were detained and their confessions were recorded. Statements from witnesses were also recorded. The dead body of the Nilgai was examined by the Veterinary Officer, and an autopsy was conducted.

12.21.2 The investigation revealed that one of the accused, Vakaroddin Ifroddin Inamdar, had previous criminal records including involvement in crimes registered under the IPC and the UAPA. It was confirmed that

Vakaroddin Ifroddin Inamdar was an active member of SIMI. After completing the investigation, the charge sheet was filed in the court of the Ld. Judicial Magistrate First Class (JMFC) at Aundha Nagnath on October 7, 2015. The trial is still pending, and charges have not been framed yet.

- 12.22** PW 31 is Mr. Manohar Ramchandra Dabhade, Sub Divisional Police Officer (SDPO) of Murtijapur, District Akola, Maharashtra. His affidavit Ex. PW31/A filed in evidence before this Tribunal details the evidence and ongoing investigations related to Crime No. 3065/2009, registered at Murtijapur Police Station under Sections 10 and 13 of the UAPA and which involves members of SIMI, justifying the continued ban on the organization.
- 12.22.1** On 19.07.2019 Police Inspector P.R. Giri received a tip-off from an informer about a meeting of SIMI members at Chotti Masjid in Mana, near Murtijapur, District Akola. The meeting was reportedly aimed at discussing SIMI's ideology and planning future activities. Based on the information, a nakabandi was ordered on NH-6 from Mana to Borgaonmanju to intercept the suspects. Additional SP sent a message to the Control Room at 15:15 hrs to enforce the nakabandi. Police stopped an Indica car bearing registration number MH 23 E 3773. Inside the car, three individuals were found: Abdul Rajjaq, Syed Ibrahim, and Musad Khan. A search of the car in the presence of two panch witnesses led to the recovery of items, including a CD titled "*Darusal Quran*" and papers written in Urdu. Head Constable Aslam Khan translated the Urdu materials, revealing them to be related to SIMI and containing objectionable content aimed at inciting violence.
- 12.22.2** An offence was registered at Murtijapur Police Station under Cr. No. 3065/2009, citing Sections 10 and 13 of the UAPA. The FIR and translations of the materials were documented as evidence.
- 12.22.3** Statements from witnesses confirmed the accused's membership in SIMI. The investigation extended to other individuals named in the secret information. The investigation revealed that the accused were active members of SIMI, involved in provoking the Muslim community under the guise of jihad to incite anti-social and anti-national activities, including riots between Hindu and Muslim communities.
- 12.22.4** Despite the initial investigation report under section 169 of Cr.P.C. indicating insufficient evidence against accused Nos. 4 to 8 (Mohammad Rafiq Abdul Rehman, Abdul Ahad Abdul Samad, Mohammad Harun Gyasuddin, Mohammad Siddiq Abdul Wahab, and Sheikh Mahmood/Munnabhai Sheikh Lai), the court of the Ld. JMFC, directed the prosecution of all accused.
- 12.22.5** On 15.09.2014, a charge sheet was filed before the trial court. The objectionable documents and CD containing provocative lectures were seized and presented as evidence. The materials reflected SIMI's ideology and intentions to spread and promote terrorism and other destructive activities.
- 12.22.6** It is stated that the seized documents contained highly provocative language intended to inspire SIMI members and other youths. The CD included speeches advocating jihad and the liberation of Kashmir, Bangladesh, and Pakistan, indicating a clear intent to conduct and promote terrorist activities in India. The materials revealed plans to unite SIMI associates, promote the organization's mission, and carry out retaliatory actions for the Malegaon blast. The ideology focused on creating communal rifts, damaging the secular fabric of Indian society, and undermining national integration.
- 12.22.7** The trial is ongoing under RCC No. 160/2014, with charges yet to be framed as of 05.06.2024. It is stated by the witness that the accused were involved in promoting SIMI's ideology, inciting communal violence, and conducting meetings to plan further activities. It is further stated that SIMI aims to disturb communal harmony and promote terrorism. The seized materials and statements reveal plans to retaliate for the Malegaon blast and engage in destructive activities. The witness has further stated that SIMI's activities pose a significant threat to national integrity and sovereignty. He stated that lifting the ban on SIMI would enable its activists to engage in terror acts, undermining the law and order situation in the country. The affidavit supports the continuation of the ban on SIMI as justified and necessary for the integrity and sovereignty of India. It also states that the ban is essential to prevent the resurgence of SIMI's activities and protect national security.
- 12.23** PW32 is Mr. Maroti Dnyanoji Thorat, Sub Divisional Police Officer (SDPO), Basmat, District Hingoli, Maharashtra. In his affidavit of evidence Ex. PW32/A he has deposed regarsing the case Crime No. 117/2010 registered at PS- Aundha Nagnath, Hingoli under Sections 353, 143, 147, 148, 504, 332, 427, 295, 149 IPC & Section 135 Mumbai Police Act.
- 12.23.1** The case CR No. 117/2010 is associated with an incident during the Ganesh Visarjan procession in Aundha Nagnath, Maharashtra, on 22.09.2010. The event escalated into a violent confrontation resulting in injuries and damage to property. On 23.09.2010 at 12:30 AM, the Ganesh Visarjan procession reached Qaziana Masjid. Devotees were chanting provocative slogans like "*Ye to abhi zaki hai, Ayodhya abhi baki hai*" which led to build up of tensions. Accused No. 1-12 namely Jakioddin Rashidoddin Kazi, Ziauddin Rashidoddin Kazi, Laiqoddin Rashidoddin Kazi, Shaikh Ijaz Shaikh Khaled, Shaikh Baba Shaikh Ikrmoddin, Syed Noor Syed Khaja, Sarfraz Wahid Khan Pathan, Shafiyoddin Rashidoddin Kazi (a former member of SIMI),

Anikoddin Rashidoddin Kazi, Salimoddin Issakoddin Khatib, Shaik Iqbal @ Billa Shaikh Khaled and Shaikh Jabbar Shaikh Ibrahim became agitated due to the slogans and started throwing stones at the procession and police personnel. Accused No. 13-24 namely Manoj Shankarrao Deshmukh, Gajanan Kantrao Renake, Gokul Subhash Kale, Sunder Uttamrao Deshmukh, Baban Manikrao Sonvane, Sachin Marotrao Dev, Anil Kisan Dev, Amol Vishwanath Gotare, Pramod Kisan Dev, Nagesh @ Babu Rangnath Yennawar, Vijay Ramprasad Yeutkar and Maroti Shivajirao Raje retaliated by pelting stones at Zaki Kazi's house, leading to a broader communal clash.

12.23.2 Police Inspector Mr. Chatrabhuj Kakade and his team were on duty to manage the procession. Police personnel, including Police Naik B.No. 370 Nanarao Pole, Police Naik No. 477 Mr. Mane, Police Head Constable B.No. 334 Hurgule, and Police Head Constable B. No. 199 Mr. Pathan, were injured while attempting to control the situation.

12.23.3 On 30.11.2010, the charge sheet was filed against the 24 accused individuals, which was later submitted to the Ld. JMFC court, Aundha Nagnath. Vide the judgment dated 16.03.2008 (Ex. PW32/D) all the 24 accused were convicted under Section 147 of IPC (Rioting) and fined Rs. 1500 each with a default sentence of 15 days imprisonment. Injured police personnel were awarded compensation of Rs. 5000 each from the fine amount. Accused were acquitted of other charges under Section 248(1) of Cr.P.C. due to lack of separate punishment under Section 143 of I.P.C. The Ld. District Judge-2 and Additional Sessions Judge, Basmath, Hingoli vide the judgment 15.09.2023 (Ex. PW32/E) dismissed the appeal and upheld the conviction.

12.23.4 It is stated that one of the accused, Shafiyoddin Rashidoddin Kazi, was linked to the banned organization Students Islamic Movement of India (SIMI).

12.24 PW35 is Mr. Shriram Meena, Assistant Director, Enforcement Directorate, Raipur Zonal Office, Raipur. In his affidavit of evidence Ex. PW35/A he has deposed regarding the case ECIR/RPSZO/01/2014 dated 24.01.2014 recorded by Enforcement Directorate, Raipur against Dhiraj Sao and others. It is stated that this investigation was conducted under the Money Laundering Act, 2002, based on the facts recorded in FIR No. 567/2013, dated December 25, 2013, registered by the Khamtarai Police Station in Raipur, Chhattisgarh. The FIR contained allegations of violations of Sections 3, 13, 17, and 40 of the UAPA, which are scheduled offenses under the PMLA, 2002. Subsequently, a chargesheet bearing No. 156/2014, dated June 19, 2014, was filed against Dhiraj Sao and others by the Khamtarai Police Station.

12.24.1 Dhiraj Sao, son of Late Bindeshwari Sao, resided in Raipur since 2010-11 and earned his livelihood by selling chicken and mutton. He was a permanent resident of Chhattu Dhanama, Kakan, Jamui, Bihar. Sao came in contact with a Pakistani national named Khalid over the phone, who offered him money to receive in his account and transfer by way of cash deposits into other accounts as instructed. Khalid promised him commissions for these transfers.

12.24.2 Sao agreed to Khalid's instructions and opened an account with ICICI Bank in Raipur on January 25, 2012. He started receiving money from different locations across India. After closing this account, he opened another account with ICICI Bank in Jamui, Bihar, for receiving funds. Following instructions from Khalid and his Indian accomplice, Sao withdrew money from ATMs and deposited it into the accounts of Zubair Hussain, Aysha Banu, and Raju Khan, members of banned organizations SIMI and Indian Mujahideen. Sao received a 13% commission for these transactions. Zubair Hussain received a 10% commission. These cash deposits created a web of transactions originating from a Pakistani national to many middle players, eventually reaching individuals linked to SIMI/IM.

12.24.3 Zubair Hussain, a resident of Mangalore, earned his livelihood through the bidi business and had previously worked in Dubai. In May 2012, he opened an account with ICICI Bank in Mangalore to receive funds for terror funding. Approximately Rs. 84,38,600/- was deposited into his account from various locations in a short span of eight months. Hussain misused several bank accounts to divert funds received from different sources to terrorist outfits linked to SIMI and Indian Mujahideen. Despite being aware of the funds' illicit origins, Hussain engaged in these transactions for the sake of earning quick money. He admitted to the Bihar Police that he received a 10% commission for these acts. During the investigation, attempts to record his statement under PMLA were unsuccessful as he refused to receive summons and avoided the investigation, indicating his intention to conceal his criminal activities.

12.24.4 Aysha Banu, Hussain's wife, also a resident of Mangalore, opened an account with ICICI Bank in 2012 for receiving funds exclusively for unlawful activities and terror funding. She received approximately Rs. 2,13,97,800/- in her account over eight months. The funds were subsequently withdrawn from ATMs and handed over to various individuals linked to terrorist outfits with her husband's assistance. Banu received a 10% commission amounting to Rs. 21,39,780/-. Investigations revealed that she purchased a residential property with the proceeds of crime. She admitted that her husband operated her bank account using forged signatures, and although she was unaware of the depositors, she knew the funds illegitimate sources. Banu

knowingly assisted her husband in laundering approximately Rs. 2.13 crore and committed the offense of money laundering under PMLA, 2002.

- 12.24.5 The funds credited to the accounts of Zubair Hussain and Aysha Banu were part of a larger scheme involving multiple transactions from various locations across India viz a viz Bahal, Kapurthala, Sonapat, Moga (Punjab-Haryana) Jodhpur, Hanumangarh(Rajasthan), Raxaul (Bihar). Their accounts received significant deposits within a short span, indicating efforts to layer the money to conceal its sources and ultimately use it for terror-related activities. The involvement of multiple intermediaries facilitated these transactions, with commissions paid at each stage.
- 12.24.6 Zubair Hussain and Aysha Banu were charge-sheeted in two different cases in Chhattisgarh and Bihar under in two states(Chhattisgarh and Bihar) under Sections 420, 467, 468, 471, 120(B) of IPC and Sections 17,18, 18(B), 21, 381 40 of UAPA and out of two cases, they have been convicted in the charge-sheet filed by Chhattisgarh Police for the offence of raising funds for terrorist act and a terrorist organisation under section 17, 40(1)(b) & 40(1)(c) of the UAPA. That charge sheet no. 11/2014 dated 03.02.2014 in FIR NO. 454/13 dated 07.11.2013 of Kawaiya Thana, Lakhisarai, Bihar related to similar act of terror funding revealed that Ayesha Bano, Zubair Hussain of Mangalore and others were involved. Hussain's confessional statement before Bihar Police revealed his involvement in terror funding activities and interactions with other accused individuals who coordinated money transfers. Analysis of call data records confirmed continuous communications between the accused and contacts in Pakistan, indicating cross-border implications of their activities.
- 12.24.7 A provisional attachment order was issued by the Enforcement Directorate on October 13, 2017, attaching properties worth Rs. 2,81,156 belonging to Aysha Banu and others. The Adjudicating Authority confirmed this order on 22.01.2018. After the investigation done by E.D., Prosecution Complaint (P.C.) (Ex. PW35/K) in the present case was filed on 30.06.2018 arraying Dheeraj Sao, Avinash Ranjan, Shrawan Mandal, Pappu Mandal, Raju Khan, Aysha Banu, Zubair Hussain and Khalid as accused persons. Vide order dated 08.11.2019(Ex. PW35/L) the Special Court (PMLA) has taken cognizance against all the accused persons except Khalid (Pakistani National), whose whereabouts are yet to be ascertained.
- 12.24.8 It is stated by the witness that the Scheduled offence case was transferred to the Special Court in terms of Section 44 (l)(c) of the PMLA, 2002 from the N.I.A. Court, Bilaspur, Chhattisgarh. That the accused persons Dhiraj Sao, Zubair Hussain, Aysha Banu and Pappu Mandal have been convicted by the Special Court in Special Session Trial case No 01/2020 of State Police case vide its Judgment/order dated 24.11.2021 (Ex. PW35/M). The relevant extract of the translated judgment as relied on by the witness in his affidavit is reproduced as follows:

“The gist of entire analysis is that Accused disclosed in their memorandums that they are affiliated with terrorist organization called SIMI and they were promoting activities of this terrorist organization by collecting money from them and thereafter transferring that money in the bank accounts of different persons. But since memorandum itself is not admissible in evidence therefore confessions made in a memorandum cannot be in the nature of any offence. But it has been revealed (Facts discovered) in the memorandums given by Accused Dheeraj Sao, Pappu Mandal and Sukhen Haldhar that they came in contact with Zuber Hussain and Ayesha Bano who were members of the terrorist organization called SIMI and they were getting money for promoting terrorist activities in India and were transferring that money in the accounts of different persons after deducting their commission from it. All these facts have been revealed by them in their memorandums and police officers were not aware of these revelations earlier and the facts discovered have been held to be admissible in evidence. It is, therefore, held that Accused Dheeraj Sao, Zuber Hussain, Ayesha Bano, Sukhen Haldhar and Pappu Mandal are members of terrorist organization called SIMI and received monies for promoting terrorist activities and transferred the monies received by them in the accounts of different persons and thereby promoted terrorist activities of banned terrorist organization called Students of Islamic Movement of India (SIMI) and they were very well aware that money transferred by them will be used for terrorist activities in the country. Accused Dheeraj Sao used e-mails and bank accounts of other persons for calling money for furthering terrorist activities of the above banned organization. Prosecution has also successfully proved charges under Sections 17, 40 (1)(b) and 40 (1)(c) of UAPA, 1967, against Accused Dheeraj Sao, Zuber Hussain, Ayesha Bano and Pappu Mandal. Resultantly Accused Dheeraj Sao, Zuber Hussain, Ayesha Bano and Pappu Mandal are convicted for offence under Sections 17, 40 (1)(b) and 40 (1) (c) of UAPA, 1967.” (Emphasis supplied)

- 12.24.9 The affidavit concludes by asserting that the evidence gathered clearly demonstrates the involvement of SIMI in anti-national activities. It requests the Tribunal to uphold the declaration of SIMI as an unlawful association in the public interest to curb its illegal activities.

- 12.25** Shri Rajesh Kumar Gupta (PW-39) tendered his affidavit of evidence as Ex.PW-39/A. He stated that he is presently posted as Director (CT) in the Government of India, Ministry of Home Affairs, New Delhi and is authorized to depose before this Tribunal as he has been dealing with all the relevant records in his official capacity. He deposed that the notification No. S.O. 354(E) dated 29th January, 2024 issued by the Central Government is based on the information and material received from the central intelligence and investigation agencies, States of Andhra Pradesh, Gujarat, Jharkhand, Maharashtra, Madhya Pradesh, Rajasthan, Tamil Nadu, Telangana and Uttar Pradesh with regard to the unlawful activities of the Students Islamic Movement of India (SIMI). That based on these information, a note was prepared for the consideration of the Cabinet Committee on Security and draft notification was also annexed to the said note and sent to the Cabinet Secretariat and thereafter, the Cabinet Committee on Security took the decision and approved the proposal contained in the above note in the meeting held on 24th January, 2024.
- 12.25.1** He stated that accordingly, the declaration was made and published vide notification dated 24th January, 2024, bearing No. S.O. 354(E). He further deposed that in terms of sub-section(1) of Section 5 read with sub-section (1) of the UAPA and vide notification dated 16th February, 2024, bearing No. S.O. 722(E), this Tribunal was constituted and the background note was submitted to this Tribunal in terms of Rule 5 of the Unlawful Activities Prevention Rules 1968, vide letter dated 26th February, 2024 based upon the material/information as contained in the concerned files.
- 12.25.2** He further deposed that on the basis of the inputs received from the Intelligence agencies and the Governments of various States/UTs about unlawful activities of SIMI earlier the Central Government had declared SIMI as an unlawful association under the provisions of the UAPA for the first time on 27th September, 2001. And thereafter, in view of the continuous unlawful activities of SIMI, the organisation was further banned from time to time on 26.09.2003, 08.02.2006, 07.02.2008, 05.02.2010, 03.02.2012, 01.02.2014 and 31.01.2019. That after the declaration of SIMI as an unlawful association, the Tribunals had also confirmed all the notification of declaration except Notification of declaration dated 07.02.2008. The order dated 05.08.2008 of the Tribunal, not confirming notification dated 07.02.2008 on technical grounds, was stayed by the Supreme Court of India vide order dated 06.08.2008, 25.08.2008 and 11.09.2008 in SLP (c) No. 19845 of 2008.
- 12.25.3** Mr. Gupta deposed that various cases registered by various State Governments and UT Administration, National Investigation Agency and Directorate of Enforcement throw light on the unlawful and subversive activities of the cadres/members of banned organisation.
- 12.25.4** Mr. Gupta further deposed that the officers concerned of the different States/UT have filed affidavits before this Tribunal in respect of cases registered in their respective States/UT against the cadres/members of SIMI under various provisions of law including the UAPA, Indian Penal Code etc.
- 12.25.5** It is also deposed that the officers concerned of the National Investigation Agency (NIA) and Directorate of Enforcement (ED) have also filed affidavits before this Tribunal in respect of the cases registered against the members of SIMI under various Sections of the UAPA, Indian Penal Code, 1860 and Prevention of Money Laundering Act (PMLA), 2002.
- 12.25.6** The witness PW39 has further deposed that various witnesses have already adduced evidence during the course of proceedings before this Tribunal in support of the declaration as contained in notification No. S.O. 354(E) dated 29th January, 2024 and that the evidence adduced clearly establishes that SIMI is continuously indulging in activities of secession and cessation which pose a serious threat to the internal security of the country.
- 12.25.7** It is further stated that in addition to the above evidence, various intelligence inputs show that SIMI is continuing its unlawful activities which are prejudicial to the security of the country. Considering all these facts, circumstances and evidences, which have been adduced before this Tribunal also, the SIMI has been banned under Section 3(1) of the UAPA.
- 12.25.8** It is stated that as per the information received from various agencies, the cadres/members of the SIMI have been indulged in radicalizing and brainwashing the minds, and indoctrination of youth through provocative speeches for destroying the sovereignty of Union of India and that they have indulged in unlawful activities aimed at disrupting the sovereignty and integrity of India, peace, communal harmony, secular fabric of the Indian society and internal security and hence, it is justified that banning of SIMI is necessary in the interest of national security, sovereignty and territorial integrity of India. He further deposed that the original files (duly indexed) containing above mentioned central intelligence reports/inputs are being submitted in three sealed covers for the perusal of this Tribunal. He further deposed that the Central Government seeking the privilege for the original files mentioned above, relies on section 123 of Evidence Act read with Rule 3(2) and proviso to Rule 5 of the Unlawful Activities (Prevention) Rules, 1968. He deposed that the contents of the above files are privileged and confidential in nature and the same cannot be made available to the banned association or to any third party as the Government considers it against the public interest to disclose the

same to either the banned association or to any third-party inter-alia in terms of the provisions of the Unlawful Activities (Prevention) Rules, 1968.

12.25.9 PW39 then deposed that the nature of the proceedings and the scope of inquiry before the Tribunal and the treatment which has to be given to documents in respect of which privilege has been claimed by the government or its nodal agency has been authoritatively laid down under paras 20-22 by the Supreme Court in *Jamaat-e-Islami Hind Vs Union of India* (1995) 1 SCC 428 in the specific context of the provisions of the UAPA and that vide the said judgment the Supreme Court, after interpreting the scheme of the UAPA and the rules framed thereunder, has unequivocally upheld the right of the government/prosecution/nodal agencies to claim privilege in respect of confidential documents in public interest. It is further stated that the documents for which claim of privilege is being sought, by their very nature, are confidential and sensitive in nature and, therefore, cannot be supplied as a public document as dissemination of the same to public at large may impede/impeach the ongoing investigations/prosecutions against the incumbent banned organization or its members and can also entail cross border nation security concerns and therefore, the said documents can be verified by the Tribunal only.

12.25.10 It is further stated that SIMI is indulging in anti-national activities posing a serious threat to the sovereignty and integrity of India. If the SIMI is not declared as unlawful, the activists and sympathizers of SIMI will pose a serious threat to the communal harmony, internal security and territorial integrity of the country. It is further submitted that through material available on record and inputs received from various agencies the SIMI has been incessantly encouraging and continuously pursuing the agenda of inciting and orchestrating violence in the country.

12.25.11 He lastly deposed that in view of the submissions made by him, the declaration made by the Central Government vide Notification No. S.O. 354(E) dated 29th January, 2024 may be confirmed and upheld in public interest as well as national interest.

13. As held by the Supreme Court in *Jamaat* (supra), this Tribunal must develop a procedure to objectively assess the credibility of the material presented before it and weigh it as if adjudicating a dispute between two parties. The outcome will determine whether there is sufficient cause to declare the association unlawful. The material presented to the Tribunal includes affidavits sworn by police officers, some of whom are also investigating officers with direct knowledge of the facts uncovered during investigations and statements made to them. Other witnesses include supervisory and nodal officers who have gathered information based on records from various police department offices. This material is admissible under Section 35 of the Indian Evidence Act. The credibility of the accused's statements is further supported by the consistency of similar facts and evidence emerging from statements recorded by different police officers from various jurisdictions.

14. The testimony of PW 33, Mr. Vipin Kumar, DSP, NIA has shown that the accused persons arrested in the case RC-31/2022/NIA/DLI namely Athar Parvej and Jalaluddin were connected with SIMI members and were taking the help of such members for planning the commission of terrorist acts. The testimony of PW 20, Mr Vinod Kadam, DSP, NIA has shown that the accused persons arrested during the investigation of the case no. RC-29/2023/NIA/DLI have been working on the instructions of foreign ISIS handlers and of the accused Saquib Nachan who was previously the All India General Secretary of SIMI. He has shown that another accused namely Adil Elias Khot was also connected with SIMI and that the other accused persons investigated in the said case were SIMI sympathisers. The recovery of huge quantities of explosives and instruction manuals for making explosive devices indicate the danger which the erstwhile members/office bearers/sympathisers SIMI still pose to national security.

15. Ms. Susheela R. DSP, NIA while deposing as PW 36 has stated before the court that the accused Shihabuddin @ Sirajuddin @ Khalid @ Rajesh, who was one of the main accused persons in the case RC-04/2020/NIA/DLI was a SIMI member. He was providing legal aid to the persons involved in committing offences related to SIMI. He had also been shown to have conspired to collect the firearms used in murdering the police officials with respect to which the case FIR No. RC-06/2020/NIA/DLI was registered. Regarding case number RC-28/2023/NIA/DLI, DSP Susheela R. has shown to the Tribunal that the accused persons found involved in the said case have led to the recovery of huge quantities of firearms and communication equipment like walkie-talkie. One of the main accused namely T. Naseer found connected with the offence, was a SIMI member and he was still not desisting from committing illegal activities even while being in custody as ample evidence was found that he was radicalising fellow prisoners in jail towards violent activities against the Indian State.

16. The witness PW19, R.Ranjit Singh, DSP/NIA while deposing with respect to the case No. RC-16/2019/NIA/DLI has shown that the SIMI members like Syed Bukhari, Mohammed Ibrahim @ Ibrahim Jamali have been instrumental in forming pro Al-Qaeda and pro ISIS groups in India for violently establishing Islamic State (the main objective of the SIMI). He has shown that the accused persons connected with SIMI have planned anti-India activities while being in the UAE. This shows that the SIMI sympathisers

have been using foreign soil and perhaps seeking international support to commit activities which are against the interest of the Indian State.

17. The government by examining PW3 Abhilash MJ, Inspector, NIA regarding RC-02/2019/NIA/KOC has shown that Sheikh Hidayatullah, an ex-SIMI member, is still propagating the ideology of ISIS/ Daesh. It has been shown that this accused is recruiting vulnerable youth for committing terrorist attacks in India.
18. PW2 Umesh Rai K, Inspector, NIA has deposed that the investigation of the case RC-02/2020/NIS/KOC has revealed that the PFI members earlier associated with SIMI are maintaining operational nexus with terrorist organisations like Lashkar-e-Taiba, Al Qaeda and ISIS/Daesh. He has deposed that one of the main accused identified in the said case namely Muhammad Ali @ Kunhappu Haji was earlier a member of SIMI and thereafter he had joined PFI which is also an unlawful association.
19. The testimony of PW38, T. V. Rajesh, DSP/NIA has shown that the former office bearers and/or members of SIMI namely E.M. Abdul Rehman, ex-National Secretary, SIMI; E. Abubacker, ex-State President SIMI and founding chairman of Popular Front of India (PFI); P. Koya, ex-SIMI member and founding member of PFI and A.S. Ismail have been raising funds from within India and abroad for committing terrorist acts in various parts of India. They have also been found involved in radicalising and recruiting Muslim youth to join organisations like the ISIS and for provoking them to commit violent and unlawful activities. The collection of such funds is also the subject matter of investigation by the Enforcement Department as has been deposed by Mr Ankur Sharma, Assistant Director, E.D. with respect to the connected case No. ECIR/STF/17/2022.
20. The government has successfully shown to this Tribunal that members of SIMI like Abdul Raqeeb Qureshi, forming part of the testimony of PW- 37, Mr Wanenlo Woch, Additional Superintendent of Police, NIA have been conspiring to commit terrorist attacks on government establishments.
21. The testimony of PW-21 API Amol Nandakumar Salunkhe has shown that despite the ban, the activists having affiliation with the association SIMI, like Kasib Sattar Balere @ Kasif are still not desisting from flouting orders passed lawfully by government authorities.
22. The testimonies of witnesses like ACP Anita Prabha Sharma, DSP Sanjay Sharma, DSP Kuldeep Tiwari, SP Pranay S. Nagvanshi, DSP Arvind Singh Tomar, DSP Harsh Upadhyay, ACP Kishore Vasudev Parab, ACP Siraj Hazratsaheb Inamdar and Assistant Director Mr Shriram Meena have established before the Tribunal that the accused persons investigated in the cases with respect to which these witnesses have deposed, have been found guilty by the respective courts in such cases. These witnesses have deposed unequivocally about the relationship of such convicts with the association SIMI.
23. It is also noteworthy that the testimony of these witnesses has remained unchallenged. The respective statements have been supported by the relevant documents including the copies of respective FIRs, charge sheets, confessional statements made during the investigation and certified copies of the judgements delivered in the respective cases.
24. It has also been proved before this Tribunal that several SIMI members/office bearers/sympathizers, accused of various offences have also been found involved in more than one cases. Annexure – III to this Order shows the details of such accused persons along with the particulars of the cases in which they have been found to be commonly involved.
25. Five witnesses of the Police have given information including intelligence reports of the various accused in sealed covers which have revealed about the activities in which the members/activities of SIMI are involved and which are being carried out by the frontal organisations formed apparently to subvert the bans imposed on the said association. It has been stated in these reports that despite the ban, the cadres of SIMI are being used by other terrorist outfits. They also disclose names of other accused involved in the larger conspiracies who have not been arrested as yet. Materials in sealed cover also reveal a number of frontal organisations and connect with other terrorist organisations. The reports disclose sensitive information which leads to the conclusion that the network of SIMI office bearers/activists/members/sympathisers is still operating in different States in a systematic manner. The reports are sensitive in nature and therefore, their disclosure would be injurious to public interest. These reports show that former SIMI activists after the ban on SIMI are participating in different organizations and carrying out their hidden agenda and through organizations such as Wahadat-e-Islami Hind and IYF, they are again committing anti-national acts by mobilising Muslim youth. The reports also indicate that former members have been participating in programs which are being held under different banners.
26. The material produced in sealed covers by the PW39 Mr. Rajesh Kumar Gupta, Director, Ministry of Home Affairs, Government of India, contains the note put up to the Cabinet Committee on Security along with the documents supporting the note and the grounds on which the Notification dated 29th January, 2024

was issued. It also contains the intelligence inputs and correspondence in relation thereto. The said material shows that despite the ban on SIMI, the unlawful activities of its members/sympathizers continue unhindered.

27. Based on the evidence and material provided to the Tribunal, it is evident that SIMI (Students Islamic Movement of India) continues to engage in unlawful and terrorist activities despite being banned. The organization is expanding its ranks by indoctrinating young boys and operating through front organizations. SIMI maintains connections with various terrorist groups such as Al-Qaeda, LeT (Lashkar-e-Taiba), JeM (Jaish-e-Mohammed), ISIS, and IM (Indian Mujahideen). It continues to receive both domestic and international funding, which supports its activities in India. The ban on SIMI has been in effect since 2001, with only a brief interruption. Despite this, it's activities have continued in flagrant violation of law.

28. From the evidence presented before this Tribunal, it is clear that several accused persons, who have committed various offences across different jurisdictions, have been identified as members or activists of SIMI. By conspiring together, they committed numerous offences aligned with SIMI's ideologies and propaganda. Additional evidence has been introduced in the form of witness statements and court findings from competent jurisdictions. These findings reveal that some of the accused involved in the aforementioned offences were indeed members of SIMI. Furthermore, some of these individuals have been convicted for being members of the unlawful association, raising funds for it, and participating in its activities. This evidence effectively establishes the fact that despite the previous bans, the SIMI is still active through its members and various offences have been committed in furtherance of the objectives of SIMI.

29. From the material placed before the Tribunal and as noted above, it is evident that members/activists of SIMI who were involved in commission of heinous offences and unlawful activities prior to the eighth ban continued with such offences and activities

s even after the last ban with the help of the other members within and outside the country, on their own and/or with the support of other terrorist organizations.

XII. CONCLUSION

After thoroughly analyzing the evidence presented before this Tribunal, it is of the conclusion that there is sufficient material to hold that the conditions outlined in Section 2(p)(i) and (ii) of the UAPA are met. Therefore, based on the findings mentioned above, it is held that there is sufficient cause to declare the Students Islamic Movement of India (SIMI) an "unlawful association." Consequently, an order is issued under Section 4(3) of the UAPA to confirm the declaration made in the Ministry of Home Affairs' notification S.O. 354(E) dated 29th January 2024, which was issued under Section 3(1) of the UAPA. This confirmation reaffirms the government's action of banning SIMI.

Justice PURUSHAINDRA KUMAR KAURAV, Unlawful Activities (Prevention) Tribunal

July 24, 2024

[F.No.14017/49/2024-NI-MFO]

ABHIJIT SINHA, Jt. Secy.

ANNEXURE – I

DETAILS OF CASES REGISTERED AGAINST SIMI ON OR AFTER 31st JANUARY 2019

NATIONAL INVESTIGATION AGENCY (NIA)

- i. Case Crime No. RC-02/2019/NIA/KOC has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre Sheik Hidayathullah Y @ Firoze Khan @ Firozy. Sheik Hidayathulla was a part of conspiracy in propagating the ideology of proscribed terrorist organisation ISIS/Daesh, and also recruiting vulnerable youths with a view to carry out terrorist attacks in South India especially in the cities of Kerala and Tamil Nadu. During the search conducted in his premise, various documents relating to SIMI were seized. He has been charge-sheeted in the instant case under section 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;
- ii. Case Crime No. RC-02/2022/NIA/KOC has been registered by the National Investigation Agency (NIA) against ex-SIMI leader Mohammed Ali @Kunhappu Haji @Kunjappu Sahib @Kunjappukka. The accused is an ex-SIMI member and former state vice-president of Popular Front of India (PFI), Kerala. He used to arrange and supervise arms training conducted at Periyar Valley campus Aluva on various occasions. He propagated violent jihad to the cadres of Popular Front of India and also justified the terrorist activities in Popular Front of India meetings. He has been charge-sheeted under various provisions including section 16, 18A, 18B, 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;
- iii. Case Crime No. RC-16/2019/NIA/DLI has been registered by the National Investigation Agency (NIA) against Mohammed Ibrahim @Ibrahim Jamali, who is an ex-State Secretary of the proscribed organisation

SIMI, was the main leader of the pro-jihadi jamaat formed in UAE with the intention of propagating violent extremist ideology of proscribed terrorist organisations including Al-Qaeda and ISIS. He has also subscribed and disseminated pro-ISIS/ Daish material advocating violent jihad and establishment of Islamic Khilafat, while delivering lectures on such topics during the meetings and classes organised by the unlawful jamaat in the United Arab Emirates. The accused has been charge-sheeted in the instant case on 1 st January, 2020 before the NIA Special Court, Chennai;

- iv. Case Crime No. RC-06/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) which pertains to the murder of Shri SSI Wilson on 8th January, 2020. During investigation serious involvement of @S. Shahabudeen @Shihabudeen @Sirajudeen @Khalid was revealed which resulted in his arrest on 6 th January, 2021. It was also revealed that this accused has been continuing with covert anti national activities as the former SIMI member having association with hard core ISIS cadres. He was also involved in publication of provocative and highly objectionable material inciting others to commit terror acts;
- v. Case Crime No. RC-29/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against Saquib Nachan, ex-National General Secretary of SIMI. He was main conspirator and radicalising Muslims for violent Jihad or Hijarat. He was giving 'Baith' (Pledge and Allegiance to ISIS) to Muslim youths. Further, he motivated other persons to take 'Baith' of ISIS. He is alleged to have established 'Al Sham' like area in Padga village, wherein sharia law is followed;
- vi. Case Crime No. RC-31/2022/NIA/DLI has been registered by the National Investigation Agency (NIA) against Athar Parvej and Mohd. Jalaluddin of Phulawari Sharif, Patna relating to conspiracy of disrupting the visit of Hon'ble Prime Minister in July 2022. Both the accused were arrested and charge-sheeted under various provision including section 17, 18, 18A, 18B 38 and 39 of the Unlawful Activities (Prevention) Act, 1967;
- vii. Case Crime No. RC-28/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against T. Naseer, ex-SIMI member, later joined Lashkar-e-Taiba (LeT), a proscribed terrorist organisation. He used to select newly lodged Under Trial prisoners and got them transferred to his barrack. He further convert, radicalise and recruit them for furthering the activities of LeT in Central Prison, Bengaluru from 2017 onwards. In furtherance to their conspiracy and on the instructions of T. Naseer, co-accused arranged arms and ammunitions and explosives in collusion with other accused. He was involved in raising funds in the Prison for furthering their activities of proscribed terrorist organisation. The accused has been charge-sheeted in the case under the provisions of the Unlawful Activities (Prevention) Act, 1967. He has been charge-sheeted on 12th January, 2024;
- viii. Case Crime No. RC-04/2020/NIA/DLI has been registered by the National Investigation Agency (NIA) against Shihabudeen @ Sirajudeen @ Khalid @ Rajesh, ex-SIMI member. In May 2019, he met Khaja Mohideen and others in a rented house at Annan Ninaivu Nagar, Puzhal and joined the terrorist gang formed by Khaja Mohideen for establishing Khilafat or Islamic Rule in India, as part of furthering the objectives of the proscribed terrorist organisation ISIS/Daish in India. He has received funds from Khaja Mohideen for procurement of fire arms and ammunition. He was charge-sheeted on 9 th March, 2021;
- ix. Case Crime No. RC-01/2023/NIA/DLI has been registered by the National Investigation Agency (NIA) against ex-SIMI cadre A. R. Qureshi. He along with his associates hatched the conspiracy to join the ISIS for the cause of Islamic Jihad and targeted killing in India. He has been charge-sheeted in the instant case under the Unlawful Activities (Prevention) Act, 1967;
- x. Case Crime No. RC-14/2022/NIA/DLI has been registered by the National Investigation Agency (NIA) against E.M. Abdul Rehman, ex-National Secretary, SIMI, E. Abubacker, ex-State President SIMI and founding chairman of Popular Front of India, P. Koya, ex-SIMI member and founding member of PFI, A. S. Ismail, ex-SIMI member and State President of PFI, Tamil Nadu. Accused were, conducted meetings for expansion of PFI (banned organisation) through radicalising and recruiting Muslims, providing weapons training classes across the country under the garb of 'Beginners Course' and other seemingly innocuous programs, collection of funds and facilitating funds to persons for commission of unlawful activities and was involved in conspiracy to commit violent unlawful and terrorist act. All the aforesaid accused were charge-sheeted on 18th March, 2023;

ENFORCEMENT DIRECTORATE (ED)

- xi. Case Crime No. ECIR/STF/17/2022 has been registered by the Directorate of Enforcement against the office bearers, Ex-SIMI members and cadres of PFI (now banned), along with others, for conspiring and raising or collecting funds within India and abroad through banking channels, Hawala, donations, etc. for committing or getting committed, terrorist acts across India. These cadres and members are also involved in activities supporting and furthering the proscribed terrorist organisations like SIMI and ISIS;

- xii. Case Crime No. ECIR/RPSZO/05/2020 dated 27th February, 2020 has been registered by the Directorate of Enforcement under the Prevention of Money Laundering Act, 2002, Umair Siddiqui and Others. Umair Siddiqui a suspicious activist of SIMI, used to give shelter to various members of the banned organisation SIMI and Indian Mujahiddin terrorist organisation from the year 1999. Umair Siddiqui and his group organised a camp of SIMI in forest of Barnawapara and the purpose of the meeting was to strengthen the organisation SIMI and collect funds for aiding the terrorist of Indian Mujahiddin and SIMI;

MAHARASHTRA

- xiii. Case Crime No. 203/2022 has been registered at Padgha Police Station, Thane (R) under sections 153(a), 153(1)(a)(b) and 153(2) of the Indian Penal Code for writing of provocative text on Jamma (Moti) Mosque Padgha, Borivali, Thane to create a communal rift between two religions or communities and lead a violence and increase enmity between the two groups and disrupt social harmony. The case is pending trial in court;
- xiv. Case Crime No. 15/2023 has been registered at Padgha Police Station, Thane (R) under sections 37(1)(3), 135 of the Maharashtra Police Act 1951, read with section 194(d), 129, 177 of the Motor Vehicle Act 1988, for raising slogans and hold rally for getting the bail to Atik Nachan in Ahmedabad NIA Court and violation of prohibition order of Collector and District Magistrate, Thane. The case is pending for trial in court;

MADHYA PRADESH

- xv. Case Crime No. 1/2023 has been registered at STF Police Station, Khandwa under sections 121, 121A, 122, 123, 120B of Indian Penal Code against Abdul Raqib, being a member of various pro-ISIS, pro-Caliphate telegram channels. He regularly watched videos related to ISIS and also downloaded the same;

RAJASTHAN

- xvi. Case Crime No. 493/2019 has been registered at Kotwali Police Station, Gangapur, Sawai Madhopur under sections 147, 341, 342, 323, 15A, 295A, 296, 298 of Indian Penal Code against Mohd. Salam @Salla for attack and pelting stones from the top of Jama Masjid on the rally of Vishwa Hindu Parishad (VHP) on 25th August, 2019 on the occasion of its Foundation Day;
- xvii. Case Crime No. 488/2019 has been registered at Kotwali Police Station, Gangapur, Sawai Madhopur under sections 147, 148, 149, 332, 353, 427 of Indian Penal Code against Alim for attack and pelting stones from the top of Jama Masjid on the rally of Vishwa Hindu Parishad (VHP) on 25th August, 2019 on the occasion of its Foundation Day;

ANNEXURE - II

DETAILS OF CASES IN WHICH JUDGEMENT HAVE BEEN DELIVERED AND ENDED WITH CONVICTION OF ACCUSED SIMI ACTIVISTS ON OR AFTER THE BAN IMPOSED ON 31ST JANUARY, 2019.

KERALA

Crime number 356/2008, PS- Edakkad, Kannur district- It is alleged that the 24 accused persons between the years 2006–2008 had hatched a criminal conspiracy in Kannur and other places in India and abroad with intent to facilitate and promote terrorism and thereby waged war against the Government of India. They conspired with the proscribed terrorist organisation, LeT. The accused persons under the leadership of the accused T. Naseer conducted Jihadi classes and selected other four accused persons for training in LeT Camp in Jammu and Kashmir. These accused persons trained in weapons in Jammu and Kashmir to wage war against the Government of India and while undergoing training, three of them were killed in exchange of fire with Indian Security Forces while the fourth managed to escape. The case was re-registered by the NIA as RC-02/2010/NIS/DLI. The Special Court for Trial of NIA cases convicted 13 out of 24 accused persons. The Kerala High Court vide the order dated 09.05.2022 upheld the conviction of 10 accused persons while acquitting the remaining three.

MADHYA PRADESH

- i. Two SIMI activists have been sentenced to two years imprisonment and a fine of rupees one thousand each under Section 295A of Indian Penal Code by the court of Addl. District Magistrate, Jabalpur in Case Crime No. 706/2006 registered at Gohalpur Police Station, Jabalpur under section 153A, 34, 153B, 195A, 124A of the Indian Penal Code.
- ii. Three SIMI activists have been sentenced three years simple imprisonment and fine of rupees ten thousand each under section 419 of the Indian Penal Code, two years simple imprisonment and fine of rupees ten thousand each under section 10A of the Unlawful Activities (Prevention) Act, 1967, seven years simple imprisonment and fine of rupees ten thousand each under section 13(1)(a), 13(1)(b) of the Unlawful Activities (Prevention) Act, 1967 and five years simple imprisonment and fine of rupees ten thousand each under

section 13(2) of the Unlawful Activities (Prevention) Act, 1967 by the Court of Additional Chief Judge, Bhopal in Case Crime No. 95/2008 registered at Kotwali Police Station, Bhopal under section 419 of Indian Penal Code and section 10, 13 of the Unlawful Activities (Prevention) Act, 1967;

- iii. One SIMI activist has been sentenced three years imprisonment by the court of JMFC, Indore in Case Crime No. 192/2008 registered at Khazrana Police Station, Indore under section 153A, 153B of Indian Penal Code and section 10, 11, 13 of the Unlawful Activities (Prevention) Act, 1967.
- iv. Two SIMI activists have been sentenced three years rigorous imprisonment under section 419 of the Indian Penal Code by the court of District, Bhopal in Case Crime No. 205/2008 registered at Shahjahanabad Police Station, Bhopal under section 419 of Indian Penal Code.
- v. One SIMI activist has been sentenced ten years of imprisonment and fine of rupees ten thousand under section 394 of Indian Penal Code, five years imprisonment and fine of rupees fifty thousand under section 450 of the Indian Penal Code by the court of District, Indore in Case Crime No. 802/2008 registered at Khazrana Police Station, Indore under section 395, 397, 506 of the Indian Penal Code and 25 and 27 of Arms Act, 1959.
- vi. Three SIMI activist have been sentenced three years rigorous imprisonment and fine and two SIMI activists have been sentenced six months imprisonment and fine of rupees one thousand under section 143 of the Indian Penal Code, three years rigorous imprisonment and fine of rupees one thousand under section 153A of Indian Penal Code, three years rigorous imprisonment under section 153B of Indian Penal Code, two years rigorous imprisonment and fine of rupees one thousand under section 10 to the Unlawful Activities Amendment Act, 2004, three years rigorous imprisonment and fine of rupees one thousand condition to extra three months imprisonment in case of non-payment of fine under section 13 of the Unlawful Activities (Prevention) Act, 1967 by the court of Judicial Magistrate of First Class, Indore in Case Crime No. 05/2009 registered at STF/ATS Police Station, Bhopal under section 147, 149, 153A, 153B of Indian Penal Code and section 10, 13 of the Unlawful Activities (Prevention) Act, 1967;
- vii. Two SIMI activists have been sentenced life imprisonment and fine of one thousand each condition to extra six months imprisonment in case of non-payment of fine under section 395, 397 of Indian Penal Code by the court of Special Judge, NIA, Bhopal in Case Crime No. 456/2009 registered at BNP Police Station, Devas under section 395, 397 of Indian Penal Code and section 10, 13, 16, 17, 20, 21 of the Unlawful Activities (Prevention) Act, 1967 and section 25, 27 of the Arms Act, 1959;
- viii. One SIMI activist has been sentenced two years imprisonment and another one SIMI activist has been sentenced ten years rigorous imprisonment by Additional Sessions Judge, Indore in Case Crime No. 13/2010 registered at Bhanwar Kuwan, Indore under section 395, 397, 450, 398 of Indian Penal Code and section 25, 27 of Arms Act, 1959;
- ix. One SIMI activist has been sentenced life imprisonment and fine under section 302, 307 of Indian Penal Code and section 16(1)(a) of the Unlawful Activities (Prevention) Act, 1967 by the court of Special Judge, NIA, Bhopal in Case Crime No. 35/2011 registered at GRP Ratlam Police Station, Indore (Rail) under section 307, 302, 34 of Indian Penal Code and section 10, 13, 16, 18 of the Unlawful Activities (Prevention) Act, 1967 and 25, 27 of Arms Act, 1959;
- x. Four SIMI activists have been sentenced by the Special Judge, NIA, Bhopal in Case Crime No. 22/2013 registered at STF/ATS Police Station, Bhopal as details given below: -
 - a. One SIMI activist has been sentenced ten years rigorous imprisonment and fine of rupees ten thousand under section 307 of Indian Penal Code, three years rigorous imprisonment and fine of rupees two thousand under section 25(1-B) A, 27 of Arms Act, 1959;
 - b. One SIMI activist has been sentenced ten years rigorous imprisonment and fine of rupees ten thousand under section 307 of Indian Penal Code, three years rigorous imprisonment and fine of rupees two thousand under section 25(1-B) A, 27 of Arms Act, 1959, seven-year rigorous imprisonment and fine of rupees five thousand under section 468 of the Indian Penal Code;
 - c. One SIMI activist has been sentenced life imprisonment and fine of rupees ten thousand under section 120B of Indian Penal Code read with section 4(B) of Explosive Substances Act 1908, life imprisonment and fine of rupees ten thousand under section 120B of Indian Penal Code read with section 5(B) of Explosive Substances Act 1908, seven years rigorous imprisonment and fine of rupees five thousand under section 468 of Indian Penal Code, life imprisonment and fine of rupees ten thousand under section 16 of the Unlawful Activities (Prevention) Act, 1967; and
 - d. One SIMI activist has been sentenced life imprisonment and fine of rupees ten thousand, separately under both section 4 and 5(B) of Explosive Substances Act 1908, life imprisonment and fine of rupees ten thousand under section 16 of the Unlawful Activities (Prevention) Act, 1967;

- xi. Five SIMI activists have been sentenced rigorous life imprisonment and fine of rupees two thousand under section 16B, 18 of the Unlawful Activities (Prevention) Act, 1967 along with Section 25 of Arms Act 1959 by the Special Judge, NIA, Bhopal in Case Crime No. 01/2014 registered at STF/ATS Police Station, Bhopal under section 307, 34, 120B, 107, 115 of Indian Penal Code and section 10, 13(1), 13(2), 15, 16, 18, 19, 20, 38, 39 of the Unlawful Activities (Prevention) Act, 1967 and section 3, 4, 5, 6 of the Explosive Substances Act 1908 and section 25 of Arms Act, 1959;
- xii. Crime no. 434/13 P.S. Sendhwa, Distt. Badwani under Sections 307, 34 IPC. Subsequently it led to the registration of the Crime no. 22/13 on 26.12.2013 in Police Station A.T.S./S.T.F. Bhopal under Sections 307, 34, 467, 468, 471, 120B and 201 of IPC, Sections 25 and 27 of the Arms Act, Sections 3,4,5 and 6 Explosive Substance Act and Sections 3, 10, 13 and 13(1)(2) of the Unlawful Activities (Prevention) Act. The case is related to the arrest of the prisoners related to the association SIMI and who had escaped after breaking from Khandwa jail and who were also wanted in the murder of the ATS Const. Sitaram Const. Shiv Pratap. The Court of the 24th Additional Sessions Judge and Special Judge, NIA, Bhopal, vide the judgment dated 16.09.2022, convicted the following accused persons in the said case: Irfan Nagori, Abu Faisal, Mohd. Sadik and Umer Dandoti and sentenced them to various terms of prison ranging from ten years rigorous imprisonment to life imprisonment.
- xiii. Crime no 01/2014 was registered at Police Station ATS/STF Bhopal for the offences under Section 25 Arms Act, Sections 307, 34, 120B, 107 and 115 IPC & Sections 3, 10(a) & 10(b), 13(1)(2), 16, 17, 18, 20, 38 and 39 of the Unlawful Activities (Prevention) Act & Sections 3, 4, 5 and 6 of the Explosive Substances Act. The case was related to the seizure of explosive substances and detonators from the SIMI members. Vide the judgment dated 28.02.2019, the Court had convicted the accused persons namely Javed Nagauri, Abdul Aziz, Abdul Wahid, Jubair Hussein and Mohd. Adil and sentenced all of them to life imprisonment. Accused Majid Nagori and Khalid Ahmad were killed in a police encounter in the jurisdiction of Gunga Poilce Station, Distt. Bhopal on 31.10.2016. The accused persons namely Abu Faizal, Irfan Nagori, Umer, Sadik and Sazid were acquitted of all charges by the court. This acquittal has been challenged before the Madhya Pradesh High Court.
- xiv. Cr. No. 541/13 Registered at Police Station Kotwali, Khandwa against the members of banned organization SIMI. The was registered regarding the attack on police officials who were trying to apprehend the suspected SIMI member who had escaped from Khandwa Jail. The Special Court of NIA Bhopal vide the judgment dated 07.12.2023 in Cr. No. 541/13 (S.T. Reg. No.154/2015) had convicted the accused Abu Faizal in the said case and sentenced him to life imprisonment. The other accused Abid Mirza was acquitted of all charges by the court. This acquittal has been challenged in the Madhya Pradesh High court.

UTTAR PRADESH

- i. Five cases were registered vide a common FIR No. 590/2014 at Police Station- Kotwali City, District- Bijnor viz. Crime No. 964/2014 under Sections 121, 122 of IPC; Crime no. 965/2014 under Sections 13, 18, 23 of Unlawful Activities (Prevention) Act; Crime No. 966/2014 under Section 25 Arms Act; Crime No.967/2014 under Section 25 Arms Act and Crime No. 968/2014 under Sections 4 and 5 of Explosives Substances Act. Three crime case numbers were registered vide a common FIR No. 597/2014 viz. Case Crime No. 974/2014 under Sections 121A, 122, 120B IPC; Case Crime No. 975/2014 under Sections 4 and 5 of Explosive Substances Act and Case Crime No. 976 of 2014 under Sections 13, 18, 23 of Unlawful Activities (Prevention) Act. Three crime case numbers were registered vide a common FIR No. 598/2014 viz. Case Crime no. 977/2014 under Sections 121A, 122, 216, 120B IPC; Case Crime No. 978 of 2014 under Sections 4 and 5 Explosive Substances Act and Case Crime No.979/2014 under Sections 13, 18, 23 of Unlawful Activities (Prevention) Act.
- ii. On 12.09.2014 one bomb blast took place in the house of Leela Devi at Jatan Mohalla, Bijnor, Uttar Pradesh. During investigation, it was revealed that six tenants were residing in the house of Leela Devi on the day of the incident. After analysis of CCTV footage and other material six persons namely Mohd Amjad, Zakir, Sheikh Mehboob, Mohd Salim, Aslam and Mohd Ejajuddin @ Aijaz were indentified. All the accused persons had absconded after the incident took place.
- iii. During investigation it was found that these six persons were associated with the banned organization SIMI and had escaped from Khandwa Jail, Madhya Pradesh on 10.10.2013. The other arrested accused persons in this case were Husna, Nadeem, Furkan, Raees and Abdulla who had provided logistic support and had facilitated the escape of the above mentioned accused persons. After registration, these FIRs were firstly transferred to ATS UP Police, Lucknow and subsequently to the NIA which resulted in registration of FIR no. RC-01/2015/NIA/DLI, RC-10/2015/NIA/DLI & RC-11/2015/NIA/DLI. After investigation by the NIA, the charge sheet was filed. The accused persons namely Husna @ Husana, Abdullah, Raees Ahmed, Nadeem and Fukran were convicted by the trial court vide the judgment dated 30.06.2022.

GUJARAT

The Sessions Case No. 38 of 2009 titled 'State of Gujarat v. Jahid @ Javed Kutubuddin Shaikh and Ors.'. This case pertained to the 22 bomb blasts which took place at different places in Ahmedabad city on 26.07.2008 as well as to the subsequent recovery of unexploded bombs. Vide the judgment dated 18.02.2022 the learned Additional Sessions Judge (Special Designated Judge for Speedy Trial of Serial Bomb Blast Cases), Court No. 4, Ahmedabad, Gujarat convicted several accused persons. Out of the 80 accused against whom trial was conducted, accused no. 79 and 80 expired during the course of trial. Out of the remaining 78 accused, 38 have been awarded capital punishment, 11 have been awarded life imprisonment and 29 were acquitted.

TAMIL NADU

- i. Case Crime No.722/1999 was registered on the information that on 25.6.1999 at about 1615 hrs in the Coimbatore City, some persons were seen distributing May and June 1999 issues of the SIMI magazine titled 'Seithi Madal', containing sedition articles. They knew that the said articles could bring hatred and excite disaffection towards the government established by law and that the articles were prejudicial to communal harmony between Muslims and other religions. The Ld. Additional District and Sessions Court, Coimbatore, Fast Track Court No. 2 vide a detailed judgment dated 29.02.2012 convicted five accused persons namely Samimul Islam, Syed Abdur Rahman, Syed Mohammed, Khadar Bhaba and Shah Jahan (who were the members of SIMI) for the offences u/s 124A and 153B IPC.
- ii. Vide the judgment dated 19.12.2019 the Madras High Court set aside the conviction of all the convicts for the offence under Section 124A IPC. The convicts namely Syed Mohammed, Khadar Bhaba and Shah Jahan were acquitted for the offence under Section 153B IPC. However, the conviction and sentence imposed by the trial Court on Samimul Islam and Syed Abdur Rahman for the charge under Section 153B IPC was confirmed.

MAHARASHTRA

- i. Crime No. 100/2021 was registered at Padgha Police Station on March 6, 2021, under Sections 188, 269 IPC read with Section 51(B) of the Disaster Management Act. On 06.03.2021, at about 9:30 AM, in Navi Vasti, Borivali village, Padgha, Tal-Bhiwandi, Dist-Thane the accused, Adil Elias Khot, organized a religious program "Sharte-A-Nabi" without safety measures during the COVID-19 pandemic, violating prohibitory orders. He thereby breached the prohibition order issued by the District Magistrate issued Under No. Gruha/Ka/-I/T-I/ManaiAadesh/V shi/23-21, dated 25.02.2021. Vide the judgment dated 11.12.2021 the accused was found guilty of the offence punishable under section 269 IPC and Section 51(b) of Disaster Management Act.
- ii. LAC No. 34 of 2006 was initially registered as LAC No. 1106 of 2006 at Ghatkopar Police Station and subsequently transferred to the DCB CID Unit VII. The case involves individuals linked to the banned organization SIMI who were planning to commit unlawful activities during the Ganesh Utsav festival in Mumbai. Vide the judgment dated 25.09.2019 the accused Nafis Ahamad Jamir Ahamd Ansari and accused Mohd.Ali Alam Shaikh @ Aziz were held guilty for the offence punishable under section 10 of Unlawful Activities (Prevention) Act.
- iii. The case Crime No. 117/2010 registered at PS- Aundha Nagnath, Hingoli under Sections 353, 143, 147, 148, 504, 332, 427, 295, 149 IPC & Section 135 Mumbai Police Act. The case is associated with an incident during the Ganesh Visarjan procession in Aundha Nagnath, Maharashtra, on 22.09.2010. The event escalated into a violent confrontation resulting in injuries and damage to property. Vide the judgment dated 16.03.2018 all the 24 accused were convicted under Section 147 of IPC and fined Rs. 1500 each with a default sentence of 15 days imprisonment. Injured police personnel were awarded compensation of Rs. 5000 each from the fine amount. The appeal against the conviction has been dismissed 15.09.2023.

CHHATTISGARH

FIR No. 567/2013, dated December 25, 2013, registered by the Khamtarai Police Station in Raipur, Chhattisgarh. The allegations are to the effect that the accused persons namely Dhiraj Sao, Zubair Hussain, Aysha banu & Pappu Mandal have been collecting funds from different sources in their bank accounts knowing fully that the same will be used for unlawful activities by the members of SIMI. They used to get commissions for this act. They also were in touch with Pakistani national in this regard. The said accused persons Dhiraj Sao, Zubair Hussain, Aysha Banu and Pappu Mandal have been convicted by the Special Court in Special Session Trial case No 01/2020 case vide its Judgment/order dated 24.11.2021.

ANNEXURE-III

SYNOPSIS/CHART OF EVIDENCE ADDUSED BEFORE THE HON'BLE TRIBUNAL

In the matter of

STUDENTS ISLAMIC MOVEMENT OF INDIA(SIMI)

A. State of Kerala

Sl No.	District/Affidavit	FIR No.	Name of Accused	ChargesIP C/UAPA	Common Accused (inCr. /FIR No.)	Conviction	Acquittal	Absconding	Pending Investigation
<u>1</u>	Kozhikode City	448/2010 of Kozhikode Town PS	1.P.K.AbdulRahimanS/o MoideenKhader 2.S. Shanavas S/o Abdul Kalam 3.Mahin C.A S/o Abdul Rahiman 4.Abdul Raasik S/o Abdul Rahiman 5..Haneef.K.T, S/o Kunhimoideen	IPC Section124 A, 153 A r/w 34.	A1.P K. Abdul Rahman is also accused in Cr. 533/2013 and 697/2013 of Nadakkavu PS				Pending Trial in the Hon'ble Special Addl Sessions Court(Marad Cases), Kozhikkode as SC 420/19
<u>2</u>	Kozhikkode City	533/2013 of Nadakkavu PS	1.man.P, s/o Hassankutty 2.PKAbdulRahimans/o Moideen Khader 3. MujeebRahman,s/o Abdurahiman	IPCSection 153-A& 153-B.	A2.P K. Abdul Rahman is also accused in 448/2010 of Kozhikkode Town PS and 697/2013 of Nadakkavu PS				Pending trial in the Hon'ble JFCM Court –IV, Kozhikkode as CC 180/20 and the trail in this case is stayed by the Hon'ble High Court of Kerala.
<u>3</u>	Kozhikkode City	697/2013 of Nadakkavu PS	1.Muhammed Hashim @ Hafsa,s/o Abdul Azeez 2. P.K Abdurahiman, S/o MoideenKhader 3. Siddiq TP, S/o Chekku	IPCSection 153-A &153-B	A2.P K. Abdul Rahman is also accused in 448/2010 of Kozhikkode Town PS and 533/2013 of Nadakkavu PS				Pending trial before Hon'ble JFMC- IV Kozhikkode as CC 336/2019

B. NIA, Kochi

SR.No.	District/Affidavit	FIR NO.	Name of the accused	Charges(IPC/UAPA)	Comm on Accused(in Crime/ FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
1.	NIAKochi	RC-02/2022/NIA/KOC	Mohammed Ali@ KunhappuHaji @Kunjappu Sahib@ KunjappukkaAge-57/2023Date of Birth :18.5.1965 KarayilMarakkar @Marakkar, H.No. 220, KarayilHouse,ValancheryPost,Kattipparuthi,Malappuram,Kerala.	Sections120B &153A ofIPC andsections13, 18,18A &20of UA (P)Act.	N/A	Charge yet to be framed	N/A	Alreadyarrested on 22.9.2022 and isinjudicial custody.	Final report already filed before the Hon'bleSpecial Court for NIA casesErnakulam,Kerala on 17.3.2023.
2.	NIAKochi	RC-02/2019/ NIA/KOC	ShiekHidayatullah @Firoze Khan @Firozy (A-3),age 38/2019,S/o Yakoob @K. A. Yakoob,No. 25, 1 st Floor, Kulanthai Gounder Street,South Ukkadam,Coimbatore,Tamil Nadu	120B ofIPC read with Sections 38 and 39 of the Unlawful Activities (Prevention) Act,1967	N/A	Trial is going on	Under Trial	Now J/C	Charge Sheeted on 07.12.2019

C. Delhi Police

Sr.No.	District/Affidavit	FIR no.	Name of the accused	Charges (IPC/UAPA)	Common Accused (in crime/ FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation.
1.	ACP Ved Parkash (Special Cell/SR, Saket, New Delhi)	532/2001	Hanif Sheikh @ Mohd. Hanif @ Haneef Hudai	3/10/13 UAP Act & 153A/153B/120B/174 IPC (arrest on 24/02/2024)		--	--	--	Charge-sheet filed, Pending for cognizance
					(i) 158/1998 dated 01.12.1998, u/s 153(B)/295 /34 IPC, PS Bazarpet, Bhusawal, Maharashtra	--	Acquittal	--	--
					(ii) FIR No. 104/1999 u/s 153 (A) IPC PS Bazarpet, Bhusawal, Maharashtra	--	Acquittal	--	--
					(iii) FIR No. 3038/1999 u/s 144 CrPC & 188 IPC,	--	Acquittal	--	--

D. NIA, Kolkata

Sr.No.	District/Affidavit	FIR No.	Name of the accused.	Charges (IPC/UAPA)	Common Accused (in Crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation.
1.	Kolkata	RC-01/2023/NIA/DLI	AbdulRaqibQureshi(40 years)S/o AbdulWakilQureshiR/o IndiraColony,Khandawa, MadhyaPradesh	120B ofIPC and18, 20,38 & 39of UA(P)Act.	KotwaliPS, MPCaseNo.14/2009.	No.	No.	No	Pending Trial

E. State of Maharashtra

Sr.No.	District/Affidavit	FIR no.	Name of the Accused	Charges(IPC/UAPA)	Common Accused(in Crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
1.	Thane Rural/Mr Anmol NandkumarSalunkhe, API, Padgha.	15/2023	1. RehanAsphakSuse 2. Musab Haseeb Mulla 3. Atif Atiknahan 4. Abdul Kadir Suse 5. Kasif Sattar Balere (SIMI)	37(1)(3) r/w 135 of Maharashtra Police Act, 1951 & 129, 177 of Motor Vehicles Act					Trial Pending.
2	Thane Rural/ Mr Prakash Shivdas Chavan, Head Constable, Kulgaon.	100/2021 (PS-Kulgaon)	Adil IlyiasKhot	188, 269 IPC, 51B Disaster Management Act		Conviction/pleaded guilty			Admitted guilty/penalty imposed
3.	Thane Rural/ Mr Ramchandra Zalte, Dy SP, Ganeshpuri	203/2022 (PS-Padgha)	Kasib Sattar Balere	295A,153A (1), (A) (B)(2) of IPC	15/2023 PS-Padgha				Pending Trial

	Division				(PW-21)				
4.	Thane City/Mr Nilesh Nanabhau, ACP, Crime Branch.	131/2012 (PS-Crime Branch)	1. Saquib Abdul Hameed Nachan. 2. Guddu Khan. 3. Shamil Nachan. 4. Akif Nachan. 5. Tanveer Jamindar. 6. Abu Bakar @ Saif Sheikh.	307,120B, 153A- IPC Section 15 of UA(P) Act & 3(i), 3(2), 3(4) of MCOCA, 3,25&27 of Arms Act					Trial Pending.
5.	ATS Mumbai/ Mr Kishor VasudeoParab, ACP, ATS Mumbai	06/2010 (ATS Mumbai)	Himayat Inayat Beg @ Ahmed Beg Inayat Mirza @ Yusuf Ahmed Siddhibappa Zafar @ Yasin Bhatkal	302, 307, 326, 324, 427, 120B IPC, section 3,45 of Explosive Act & 16, 18 21 of UA(P) Act		Himayat Inayat Beg @ Ahmed Beg Inayat Mirza @ Yusuf Convicted death penalty.		1.Mohsin Ismail Chaudhary 2.Riyaz Ismail Shabari @ Riyaz Bhatkal 3.Iqbal Ismail Shabari @Iqbal Bhatkal 4. Fayyaz Kagzi 5. Sayyed Jabiuddin Sayyed Jakiuddin	Trial pending against accused no.02
6.		LAC No.03/06 (ATS Mumbai)	1. Mohd Amir Shakil Ahmed @ Shaikh Amer Shaikh Shakil 2. Mohd Zuber Sayyed Anwar 3. Mohd Muzaffar Mohd Tanveer 4. Abdul Azeem Abdul Jameel Shaikh @ Raja 5. Mushtaq Ahmed MohdIssak 6. Javed Ahmed Abdul Majid 7. Afzal Khan Nabi Khan 8. Riyaz Ahmed Mohd Ranjan @ Raju 9. Dr Mohd Sharif Shabbir Ahmed 10. Bilal Ahmed Abdul Rajak 11. Sayyed Aakif Sayyed Jafaruddin 12. Khatib Imran Akhil Ahmed 13. Shaikh VikarMohd Shaikh Nisar 14. Afaroz Khan Shahid Khan Pathan 15. Mohd Samad Shamsher 16. MohdAkil Mohd Ismail Momin 17. Firoz Tajuddin Deshmukh 18. Shaikh Abdul Nadeem	23(1)(a) of Maharashtra Control of Organized Crime Act& 3(1) (ii), 3(2), 3(4) MACOCA Act, 1999.		Accused no.1,10, 11,14, 19, 21,&22 have been convicted for life imprisonment Accused no.3&9 has been sentenced to 14 years., Accused no. 5,6&7 has been sentenced for 8 years.	Accused no. 2,4,8,12, 13, 15,16& 17 has been acquitted	1. Fayyaz Kagzi @ Julfikar Fayyaz Ahmed 2. Shaikh Ejaz Shaikh Raheem ? Chand 3. Shaikh Masood Mehmo od Ahmed 4. Rahul Abdul Rehman /Shaikh 5. Junaid @ Rasheed Abdulla @ Abu Abdul Aziz@ Junaid @ Rehman @ Sabeer 6. Ahmed	

			@Nayyu @ Sammer 19. Faisal Ataur Rehman Shaikh 20. Mustafa Mehmood Sayyed @ Munna Mustafa 21. Mohd Aslam 22. Sayyed Jabibuddin Sayyed Zakiuddin Ansari @ Jabi @ Jabi Ansari						
7.		05/2006 (ATS Mumbai)	1. Kamal Ahmed Mohammed Vakil Ansari 2. Dr Tanveer Ahmed Mohd Ibrahim / Ansari 3. Mohd FAisal Ataur Rehman Shaikh 4. Ehtesham Kutubuddin Siddiqui 5. Mohd Majid Mohd Shafi 6. Shaikh Mohd Ali Alam Shaikh 7. Mohd Sajid Margu Ansari 1. Kamal Ahmed Mohammed Vakil Ansari 2. Dr Tanveer Ahmed Mohd Ibrahim / Ansari 3. Mohd FAisal Ataur Rehman Shaikh 4. Ehtesham Kutubuddin Siddiqui 5. Mohd Majid Mohd Shafi 6. Shaikh Mohd Ali Alam Shaikh 7. Mohd Sajid Margu Ansari 8. Abdul Wahid Din Mohd Shaikh 9. Muzzammil Ataur Rehman Shaikh 10. Suhail Mehmood Shaikh 11. Zameer Ahmed latifur Rehman ? Shaikh 12. Naveen Hussain Khan 13. Asif Khan Bashir Khan @ Junaaid @ Abdulla	3(1) (i), 3(2), 3(3), 3(4), 3(5) of MACOCA, Section 10, 13, 16, 17 18, 19, 20 & 40 UA(P) Act, Section 302, 307, 326, 325, 324, 327, 436, 121A, 122, 123, 124A, 201, 212, 120B IPC, Section 6, 9B Explosives Act Section 3, 4, 5, 6 Explosives Substances Act, Section 3, 4 of Prevention of Damage to Public Property Act Section 151, 152, 153 & 154 of Railway Act and Section 12(1) © of the Passport Act.		Accused no. 1, 3, 4, 12, 13 have been convicted to death. Accused no. 2, 5, 6, 7, 9, 10, 11 have been sentenced for life.	Accused no. 06 has been acquitted .	1. Azam Chima @ Babaji 2. Rizwan Mohd Dawrey 3. Rahul Ataur Rahman Shaikh 4. Hafiz Zuber @ Mohd Zuber Samsshu Haque Rayeen 5. Sohail Usman Gani Shaikh 6. Aslam 7. Hafizullah 8. Sabit 9. Baur Bakar 10. Kasam Ali 11. Mamu Jaan 12. Ehsanullah 13. Abu Hasan 14. Abdul Razak 15. Abdul Rahman	
8.		31/2011 (ATS)	1. Haroon Rashid Abdul Hamid naik @ Umar Akbar @ Mushtaq Shaikh @ Salauddin	489A, 489B, 489C, IPC		Accused no. 1 & 2 convicted	Accused no. 3 acquitted	1. Din Moham mad Akhtar Hussain @	

			2. Asaram Ahmad Abdul Hameed Tailor @ Safari 3. Azhar-UI Islam Mohammad Ibrahim Siddiqui @ Munna					Maulana 2. Tarique Ismail 3. Riyaz Bhatkal and others	
9.		02/2012	1.Akhil Yusuf Khilji 2. Jafar Hussain Iqbal Hussain Qureshi 3.Mohd Abrar@ Ismail@Munna@ Haider @ Abdul Rehman babu Khan 5. Shaker @ Khalil 6.Azhar @ Khalil 7.Mohd Salik 8.Amman@ Arafat @ Sarfaraz Mustakin Khan	307, 333, 335, 336, 338, 352, 353 & 34- IPC section 3,25, 27 Arms Act and section 135 of Maharashtra Police Act.					Pending trial
10.		04/2006 (ATS Mumbai)	1.Ehtesham Kutubuddin Siddiqui 2.Danish Riyajuddin Shaukat Ali Shaikh 3.Minaj MuktharNachan 4. SaifAteequeNachan 5.Shakil Warsi Abu Nasir Warsi 6. Asrar Ahmed Abdul Hamid Tailor 7. Irshad Salim Khan 8. Safdar Husain Nagori @ Husain @Liyakatbhai @ iqbal @ Musabhai @ Bade Bhayya 9.Hafiz Husain @ Adnan@Zaid@ Tameem @ Rasheed 10. Kamruddin Chand MohdNagori @ Raju @ Abdullah @ Hanif @ Dildar 11.Shibly Peedikachal Abdul Kareem@ Sabit @ Ali @ Hidayat@Naushad. 12.Shahbaz Hussain @ Shahbaz Ahmed Mumtaz Ahmed @Shanu 13.Abdus Subhan Qureshi @ Kasim @ Zakir @ Qab 14. Ejaz Akram Khan 15. IliyasAkram Khan @ Illu	10&13 of UA(P) Act.		Accused no.01 convicted	Accused no.02 to 05 has been acquitted	1.Ekrar Shaikh Abdul @ Bhre Ujjain MP 2.Akbar Baig @ Hamja	Trial pending against accused no.8,10 & 12 Against accused no.6,7,9, 11, 14&15 investiga tions is in progress.
11.	Mr Vasant Jadhav, DC, SID (Nodal Officer)								
12.	Jalgaon/ Mr Pramod Abhiman Pawar Dy SP (Home)	103/2001 (PS- Jalgaon)	1.Rashid Chand Shaikh (dead) 2. Shaikh Rizwan Abdul Rashid 3. Siddique Aziz Shaikh	153A, 120B, 121, 121A, 122, 123, 201 r/w 34 IPC & 4(a), 4(b) & 5 of Indian Explosives		1. Shaikh Rizwan Abdul Rashid 2. Shaikh Irfan Abdul	1.Siddiq ue Aziz Shaikh 2.Sharif Sarfaraz Khan 3.Syed	1.Asif Sapadu Shaikh 2.Hanif ismail Sheikh 3.Khalid Ajmal Khan	

			4. Asif Supadu Shaikh 5. Hanif Ismail Shaikh 6. Khalid Ajmal Khan 7. Shaikh Irfan Abdul Rauf 8. Shaikh Iliyas Shaikh 9. Sheikh Mushtaq Shaikh Rafi 10. Shaikh Shakil Shaikh Hannas 11. Sharif Sarfaraz Khan 12. Wakarul Muzaffar Hussain 13. Gulzar Ahmed Gulam Mohammed Wani @ Ashraf Munir Baig 14. Syed Shah Hasif Raza Firdaus Raza 15. Asif Khan Bashir Khan 16. Parves Khan Riyajuddin Khan 17. Khalid ASIAD Khan Ahmad Khan	Substance Act, 1908.		Rauf 3. Shaikh Iliyas Shaikh Yusuf 4. Shaikh Shakil Shaikh Hannas 5. Wakarul Muzafar Hussain 6. Gulzar Ahmed Gulam Mohammed Wani @ Ashraf Munir Baig 7. Asif Khan Bashir Khan 8. Parves Khan Riyajuddin Khan	Shah Haif Raza Fiurdous RaZa 4. Khalid ASIAD Khan Amjad Khan	4. Sheikh Mushtaq Shaikh Rafi	
13.	Mumbai City/Siraj HajratsahebInamdar ACP, CID	1692/2001 Mumbai City.	MohdMunaf @ MunnaUsuf Vora	10,13 of UA (P) Act					Pending Trial.
14.		152/2008 (DCB, CID, Mumbai City)	1. Afzal Mutalib Usmani 2. Sadique Israr Ahmed Shaikh 3. MohdArif Badruddin Shaikh @ ArifBadar @ Laddan 4. MHD Jamil Abdul Haq Shaikh 5. Anwar Ahmad Badshah Shaikh 6. Asif Bashir Shaikh 7. Mohd Mansoor AsgarPeerbhoy 8. Mubin @ Salman Kadar Shaikh 9. Mohd AtiqueMohdIqbal 10. Mohd Akbar Ismail Chaudhari @ Saeed Anik 11. Anik Shafiq Sayyad @ Khalid 12. Majid Akhtar Shaikh 13. Yasir Anis SAayyad @ Hujefa 14. Farooq Sharfuddin Tarqas @ Abdulla@ Peter 15. Mohd Ahmad Ali 16. JavedMohd Ali 17. Ahmad AbubakkarBawa 19. Mohd Naushad	295(A), 505(ii), 506(ii) & 507 IPC					Pending trial

			Mohd Irshad Sayyad 19.Dustgir FerozMuzawar @ Afroz @ Mujib 20.Fazal Rehman Musssadiq Khan Durani @ Salklauddin 21. Dr Anwar AbdulganiBhagwan 22. Mobil @ Irfan Abdul Shakjur Khan 23.Amin @ Raja Ayub Shaikh						
15.		275/2001 (Kurla Police Station)	1.Shafiq Ahmad Ali Ahamad 2.Altaf Abdulla Chaugule 3.Mohd Ali Barkat Ali 4.Irshad Khan Salim Khan 5.Ehtesham Kutubuddin Siddiqui 6.Tanvir Ahmad Ansari 7.Mohsin Hidayatullah Mirza 8.Mujmil Hasan Baghdadi 9.Sarjeet Shaikh Asif Shaikh 10.Abdul Khan Khalid Khan 11.Shirtaj Ahmad Shaikh Mansoori 12. Abdul Rahim Shaikh Abdul Rashid Shaikh	143, 144, 145, 147, 149, 353 IPC & 10,13 UA(P) Act			Accused no. 2,4 , 5, 6,7, 8, 10 & 11 acquitted		Trial pending against accused no.1,3,9 &12
16.		LAC No.34/ 06 (DCB, CID, Mumbai)	1. Shabbir Ahmed 2. Nasir Ahmed Jamir Ahmed Abnsari 3. Mohd Ali Alam Shaikh @ Aziz	10&13 of UA(P)Act		Accused no.02&03 convicted Accused no.01 died.			
17.		POTA Spl Case No.02/ 2003 (Mumbai)	1. Saquib Abdul Hamid Nachan 2. Atif Nsasir Mulla 3. HasinZube ir Mulla 4. Ghulam Akbar Abdul Sattar Khotal 5. Mohd Kamil Mohd Jamil Shaikh 6. Farhan Abdul Malik Khot 7. Noor Mohd Abdul Malik Ansari 8. Dr Wahid Abdul Jabbar Ansari 9. Anwar Ali Javed Ali Khan 10. Mukammil Akhtar Abdul Rahim	3, 4, 5, 20, 21(2), 21(4), of POTA Act, 120B, 302,34, 307, 324, 326, 427, 121A, 122 Of IPC Section 5, 9(B) of Explosive Act, 3,4,5 of the Explosive Substance Act, section 3 of the Damage to Public Property Act, 151, 152 & 153 of the Indian Railway Act		Accused no. 1 to 10 convicted	Accused no. 11 to 13 acquitted	Accused no. 14 to 18 absconded	

			Ansari 11. Mohd Nasim Moinuddin Paloma 12. Mohd Haroon Mohd Yamin Lohar 13. Adnan Bilal Mulla 14. Tahreer @ Nissar Ahmed Ansari @ Janab @ Yusuf Shaikh 15. Dr Akmal Abdul Hamid Nachan 16. AM Bashir 17. Sohail Shaikh 18. Siraj						
18	Nagpur city/ Mr Madhuri Dilip Baviskar, ACP Sadar Division	3182/2006	1. Shakil Warasi 2. Shaikh Ahamad 3. Reha khan 4. Mohd Attaullah Khan 5. Jiyaar Rehman 6. Vakar bag 7. Imtiaz Ahamed 8. Dr Mohammad Abrar 9. Mohd Shakir	10,13 UAPA					Pending trial
19.	Hingoli/ MrKundalikRamb hauHore, RFO Hingoli.	04/2015 (Hingoli)	Sajjad khan Younis Khan Pahan 2. Waqaroddin Ifroodin Inamdar 3. Dr Afaq Hussain KJhatib 4. Musabhai Navabhai	26(1)(I) IFA 1927, u/s 9,39, 51, 52 WPA 1972				1. Musabhai 2. Navabhai	Pending Trial
20.	Mr Manohar Ramchandra Dabhade, SDPO, Murtijapur	3065/2009 (Murtijapur)	1. Abdul Razzak Abdul Karim 2. Sayyed Ibrahim Sayyed Mussa 3. Masood Khan, Mahboob Khan	10,13 of UAPA					Pending Trial.
21.	Hingoli/ Mr MAROTI Dnyanoji Thorat, SDPO Basmath, Hingoli	1187/2010 (AundhaNa gnath)	1. Jakoddin Rasshiddin Kazi 2. Ziyauddin Rasshiddin Kazi 3. Leikuddin Rasshiddin Kazi 4. Shaikh Ijaz Sheikh Khalid 5. Shaikh Baba Shaikh Ikromoddin 6. Stayed Noor Sayyed Khaja 7. Sarfaraz Vahid Khan Pathan 8. Shafiyaiddin Rasshiddin Kazi 9. Anikouddin	353,143,147, 148,504, 332, 427, 295, 149-IPC		All accused convicted			

			RasshidinKazi 10.Salimoddin Issakoddin Khatib 11. Shaikh Iqbal alias billa Sheikh Khalid 12. Shaikh Jabbar Sheikh Ibrahim 13. Manoj Shankarrao Deshmukh 14.Gajanan Kangaroo Renake 15.Gokul Subhash Kale 16. Sunder U Deshmukh 17.Baban ManikravSonawane 18. SachinMarutraoSonawa ne 19. Anil Kishan Dev 20.Amol VishvanathGotare 21. Pramod Kisan Dev 22. Nagesh Babu RanganathUYenarvarkr 23. Vijay Ram Prasad Yeutkar 24.MAROTI SjhivajiraoRaje					
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F. State of Uttar Pradesh

Sr.No.	District/Affidavit	FIR no.	Name of the Accused	Charges(IPC/UA PA)	Common Accused(in Crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
1.	Prayagraj/Mr Vivek Yadav,ACPPrayagraj	324/2001	Shamsher Alam	153A, 225, 295, 120 B, IPC					Trial Pending.
2.	“ “	384/2001	1. Jalaluddin, 2. Dr Arshadullah, 3. Alimullah, 4. Mahibullah	153A, 124A, 295A, IPC &3(3), 10 & 13 of UA(P) Act.					Trial Pending
		246/2008 (PS- Ghoorpur)	Amir Mahfooj (accused have criminal history of 3 cases)	489A, 489B, 489C, 489D IPC	25/2003 PS- Sahadargan j, Lucknow. (PW-8)	Convicted for a period of 8 years & fine of Rs 50 thousands (Appeal is pending before the Hon'ble High Court.)			
	Azamgarh/ Mr Gaurav Sharma, CO City, Azamgarh	129/2001 (PS- Saraimeer)	Mohd Saleem	153A, 153B, 505 IPC & 10,13 of UA(P) Act.					Trial Pending.
	“ “	186/2001 (PS-Nizamabad)	1. Javed Ahamad, 2. Makbool Ahamad, 3.Sahjad Ahamad,	153A, 153B, 505C,505(2) IPC & 3(1),10,13 of UA(P) Act.					Trial Pending.

			4. Farooq Ahamad, 5. Abdul Rahman, 6. Mohd Faiz					
	****	09/2019 (PS-Nizamabad)	MohdFaiz	420, 467, 468, 471 IPC & Section-8 of Notary Act.	186/2001 (PS-Nizamabad)			Pending Trial.
	****	1058/2000 (PS Kotwali)	1. Dr Shahid Badra (President of simi), 2. Faizan Ahamad, 3. Abdul Noor	153A, 505, 295, 120B IPC,				Pending Trial
	****	979/2001 PS-Kotwali Sadar	1. Amir Rasheed, 2. Suhail Ahamad 3. Nadeem Ahamad 4. Barkatullah 5. Rizwan Ahamad 6. Imtiyaz Ahamad, 7. Abdul Noor 8. Habib Ahamad 9. Abdul Rasilullah	153, 153A, 153B, 505 IPC & 3(1), 10 & 13 UA(P) Act	270/2001 (Mughalpur a)			Pending Trial
	Kanpurnagar/ Ms Shweta Kumari, ACP Sisamau Kanpur Nagar.	39/2001, PS-Chamanganj	1. Mohd Suleman 2. Mohd Anwar. 3. Mohd Saleem 4. Mohd Riyaz Ahamad 5. Mohd Amir	188, 153A, 153B-IPC & 10 of CrI Amendment Act				Pending trial
	****	84/2001 PS-Bajariya	1. Wasif 2. Mohammad Jubair	115, 120B, 121, 121A, 122, 123, 124, IPC				Pending Trial
	Lucknow/ Mr Dharmendra Singh Raghuvanshi, ACP Bazar Khala, Lucknow.	25/2003 PS-Sahadatganj	1. Ubaidurrahman 2. Mohd Arif	153A, 153B, 297, 420 IPC & Section-7 of CrI Law Amendment Act				Pending Trial.
	ATS UP/ Kuldeep Tiwari, Dy SP	449/2002 PS-Charbagh	Nauman Badra, Secretary of UP SIMI	153A, 153B, 420 IPC & Section 13 of UA(P) Act.				Pending Trial
	Gorakhpur/ Kuldeep Tiwari Dy SP, ATS	609/2001 PS-Kotwalisadar, Gorakhpur	1. Shahid Badra 2. Hamam Ahamad, Zonal President of SIMI	153A, 153B, 124A, 298, 505, 120B IPC				Pending Trial
	Mau/ Kuldeep Tiwari, Dy SP ATS	510/2001 PS-Mohammadabad	1. Mohd Alim 2. Mohd Talib 3. Kalam	153A IPC				Pending Trial
	Sant Ravidas Nagar/ Kuldeep	396/2001	1. Suheb Alam 2. Meraj	153A, 153B, 295A of IPC * 10, 13 of				Pending Trial

	Tiwari Dy SP ATS	PS-Bhadohi	Khalid 3. Anwar Rasheed 4. Abid Imran 5. Ehtesham Ali	UA(P) Act					
	Mathura/ Kuldeep Tiwari, Dy SP ATS	733/2001, PS-Kotwali Mathura	1. Julfikar 2. Rashiduddin 3. Farman 4. Shahid 5. Ashfaq 6. Rahees Ahamd& 7. Nauman	153A, 153B, IPC& 7 CrI Law Amendment Act & 10,13 of UA(P) Act					Trial Pending.
		590/2014 (Bijnaur Bomb Blast Case)	1. Mohd Amjad Zakir 2. Sheikh Mahboob 3. MohdSliq 4. Aslam 5. Mohd Ejijuddin Alias Aijaz	Investigation was conducted by NIA					
	Lakhimpurkhiri / MrPreetam Pal Singh, Dy SP	1035/2001 PS-Kotwali Nagar	1. Shakeel Ahamad 2. EjajAshlam 3. Mahboob Alam	10&13 of UAP Act					Pending Trial
	***	658/2000 PS-Kotwali	1. Mohd Amir	153A, 153B, 295A, 505(2) IPC	39/2001,PS- Chamanganj				Pending Trial
	Moradabad/ MrAmrinder Singh, IPS	1197/2001 PS-Civil Line Sadar	1. Mohd Haneef 2. Mohd Furkan 3. Mohd Qadir 4. Khursheed Ahamad 5. Jamal Mohammad	147,153A,153B IPC, & 13(1), 13(2) of UA(P) Act	266/2001 (Mughalpura)				Pending Trial
	***	266/2001 PS Mughalpura	1. Farjand Ali 2. Mohd Imran 3. Kadir 4. Mohd Jamal 5. Furkan 6. Mohd Haneef 7. Simrej 8. Khurshid	147,148,504, 506, 153A, 153B IPC & 3(1), 13(1), 13(2) of UA(P) Act					Pending Trial
	***	270/2001 PS-Mughalpura	Rizwan	147, 153A, 153B IPC & 3(1), 13(1), 13(2) of UA(P) Act	979/2001 PS- KotwaliSadar				Pending Trial
	***	572/2001 PS-Nagfani	1. Mohsin 2. Simrej 3. Tahir	153A, 153B IPC & 3(1), 13(1), 13(2) of UA(P) Act	Simrej is accused in crime 266/2001 (Mughalpura)				Pending Trial

G. State of Madhya Pradesh

Sr.no	District/Affidavit	FIR no.	Name of the Accused	Charges (IPC/UAPA)	Common Accused (in Crime/ FIR)	Conviction	Acquittal	Absconding	Pending Investigation
1	Bhopal	PS -ATS, Bhopal 22/13	(1) Khalid Ahmad, (2) Irfan Nagauri, (3) Abu Faizal (4)Moh. Sadik, (5) UmerDandoti,(6) Amzad, (7)Mehboob, (8)Zakir, (9) Saleek ,(10)Aslam, (11)Aijazuddin, (12)Ismael, (13) Irfan Muchhale, (14)Aman and (15) Gulrez.	U/S 307,34,467, 468,471,120B,201 IPC, 25&27 ARMS ACT, 3, 4, 5, 6 Explosive Substance Act, 66 IT Act, & 3, 10,13(1) (2),15, 18, 19,20,23, 38, 39 of UAP Act.	(1) Khalid Ahmad, (2) Irfan Nagauri, (3) Abu Faizal (4)Moh. Sadik, (5) UmerDandoti are Common Accused in Crime 01/14 ATS Bhopal	(1) Irfan Nagauri, (2) Abu Faizal (3)Moh. Sadik, and (4) UmerDandoti,	Ismael, Irfan Muchhale, Aman &Gulrez	Nil	Judgment has been given by the Court
2	Bhopal	PS -ATS, Bhopal 01/14	(1)JavedNagauri, (2)Abdul Aziz,(3)Abdul Wahid, and (4) Mohd. Adil (5) Khalid Ahmad, (6) Irfan Nagauri, (7) Abu Faizal (8)Moh. Sadik, (9) UmerDandoti, (10) Sazid, (11) Abdul Mazid and (12) Zuber.	U/S 25 ARMS ACT, 307, 34, 120-B, 107, 115 IPC & 3, 10, 13(1) (2), 15,16, 18, 19,20, 38, 39 of UAP Act, & 3, 4, 5, 6 Explosive Substance Act	(1) Khalid Ahmad, (2) Irfan Nagauri, (3) Abu Faizal (4)Moh. Sadik, (5) UmerDandoti are Common Accused in Crime 22/13 ATS Bhopal	(1)JavedNagauri, (2)Abdul Aziz,(3)Abdul Wahid, and (4) Mohd. Adil &(5) Zuber. Hussain	(1) Irfan Nagauri, (2) Abu Faizal (3)Moh. Sadik, (4) UmerDandoti , (5) Sazid,	Nil	Judgment has been given by the Court
3	Bhopal	PS - Kotwali,Bhopal 95/08	(1) KamaruddinNagouri, (2) Safdar Nagouri and (3) HafizHussain.	419 IPC, 3, 10,13 of UAP Act.	Nil	All Three accused	Nil	Nil	Judgment has been given by the Court

Sr. No.	District/Affidavit	FIR no.	Name of the Accused	Charges (IPC/UAPA)	Common Accused (in Crime/ FIR)	Conviction	Acquittal	Absconding	Pending Investigation
1	Dewas	PS - BNP, Dewas 456/09	(1) Abu Faizal (2)Moh. Iqrar, (3) Amzad, (4) Mehboob, and (5) Zakir	U/S - 395/397 IPC , 25 (1) (B) A) & 27 of the Arm Act, Sections 3, 10, 13, 16, 17, 20, 21 of UAP Act	(1)AbuFaizal, (2) Zakir&(3) Amzad, are CommonAccusedin Crime 22/13 ATS Bhopal	Abu Faizal and Mohd. Iqrar (1-Amzad, 2-Mehboob, 3- Zakir, had been killed in police Encounter)	Nil	Nil	Judgment has been given by the Court

Sr. No.	District/Affidavit	FIR no.	Name of the Accused	Charges (IPC/UAPA)	Common Accused (in Crime/ FIR)	Conviction	Acquittal	Absconding	Pending Investigation
1	Indore/ GRP Ratlam	PS- GRP, Ratlam 35/11	Mohd. Farhat Zakir & Nizamuddin	U/S 302,307,34 IPC, 10,13,16,18 UAPA and 25,27 Arms Act	Zakir is a Common Accused in Crime 22/13 ATS Bhopal &Cr.No. 456/09 Dewas	Mohd. Farhat (Zakir had been killed in police Encounter)	Nizamuddin	Nil	Judmet has been given by the Court

Sr. No.	District/Affidavit	FIR no.	Name of the Accused	Charges (IPC/UAPA)	Common Accused (in Crime/ FIR)	Conviction	Acquittal	Absconding	Pending Investigation
1	Khandwa	PS_ Kotwali Khandwa 541/13	(1) Abu Faizal (2) Ejajuddin (3) Guddu alias Mehboob (4) Aslam (5) Jakir, (6) Amjad (7) Saleek and (8) Abid Mirza.	U/S- 395, 307, 353, 332, 120B, 75 IPC and 3, 10, 13, 16, 17, 18, 19, 20, 21 UAPA	(1) Abu Faizal (2) Ejajuddin (3) Guddu alias Mehboob (4) Aslam (5) Jakir, (6) Amjad (7) Saleek are Common Accused in Crime 22/13 ATS Bhopal & Cr.No. 456/09 Dewas	Abu Faizal (1-Amzad, 2-Mehboob, 3-Jakir, 4- Saleek 5- Aslam, 6-Eijazuddin had been killed in police encounter)	Abid Mirza.	Nil	Judgment has been given by the Court

H. NIA, Bengaluru

1. RC-04/2020/NIA/DLI (ISIS Al-Hind Module Case)

Sl.o	District/ Affidavit	FIR no.	Name of the accused	Charges (IPC/UAPA)	Common accused (in Crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
01	Affidavit	RC- 04/2020/NIA/DLI (Al-Hind Module ISIS Case)	Shihabudeen @ Sirajudeen @ Khalid @ rajesh	Section 120B of IPC 1860, sections 18, 20, 38 and 39 of UA(P) Act 1967 and section 25(1) (a) of Arms Act 1959	N/A	N/A	N/A	N/A	Further investigation is going on

2. RC-28/2023/NIA/DLI (Prison Radicalization Case)

SlNo	District/ Affidavit	FIR no.	Name of the accused	Charges (IPC/UAPA)	Common accused (in Crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
01	Affidavit	RC- 28/2023/NIA/DLI (Prison Radicalization Case)	Tadiyandavida Naseer @ T Naseer @ Naseer @ Umar @ Haji Saab @ Mahamad Ali (A-1)	Section 120B and 201 of IPC 1860, sections 18, 18B, 20, 38 and 39 of UA(P) Act 1967 Act, 1967.	N/A	N/A	N/A	N/A	Further investigation is going on
02	-do-	-do-	Junaid Ahmed @ Junaid @ JD @ Jamsheeda @ Jaan @ Suhana @ DJ Ritz @ Jameela @ Jannu (A-2)	Section 120B of IPC, 1860; Sections 17, 18, 18B, 20, 23, 38, 39 and 40 of UA(P) Act, 1967; Section 120B of IPC r/w 25(1B) of Arms Act, 1959; and Section 120B of IPC r/w 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	Absconding	-do-
03	-do-	-do-	Syed Suhail Khan @ Suhail (A-3)	Section 120B of IPC, 1860; Sections 18, 20, 23, 38 and 39 of UA(P) Act, 1967; Section 35 r/w 25(1B) of Arms Act, 1959; and Section 120B	-do-	-do-	-do-	N/A	-do-

				of IPC r/w 6 of Explosive Substances Act, 1908.					
04	-do-	-do-	Mohammed Umar @ Umar (A-4)	Section 120B of IPC, 1860; Sections 17, 18, 20, 23, 38 and 39 of UA(P) Act, 1967; Section 35 r/w 25(1B) of Arms Act, 1959; and Section 120B of IPC r/w 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	-do-	-do-
05	-do-	-do-	Zahid Tabrez @ Zahid (A-5)	Section 120B of IPC, 1860; Sections 17, 18, 20, 23, 38 and 39 of UA (P) Act, 1967; Section 25(1B) of Arms Act, 1959; and Sections 5 and 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	-do-	-do-
06	-do-	-do-	Syed Mudassir Pasha @ Mudassir @ Sait Sab @ MudduSait. (A-6)	Section 120B of IPC, 1860; Sections 18, 20, 23, 38 and 39 of UA(P) Act, 1967; Section 35 r/w 25(1B) of Arms Act, 1959; and Section 120B of IPC r/w 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	-do-	-do-
07	-do-	-do-	Mohammed Faisal Rabbani @ Sadath (A-7)	Section 120B of IPC, 1860; Sections 18, 20, 23, 38 and 39 of UA(P) Act, 1967; Section 35 r/w 25(1B) of Arms Act, 1959; and Section 120B of IPC r/w 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	-do-	-do-
08	-do-	-do-	Salman Khan @ Salman (A-8)	Section 120B of IPC, 1860; Sections 18, 20, 23, 38 and 39 of UA(P) Act, 1967; Section 120B of IPC r/w 25(1B) of Arms Act, 1959; and Section 120B of IPC r/w 6 of Explosive Substances Act, 1908.	-do-	-do-	-do-	Absconding	-do-

I. NIA, Hyderabad

Sr.No.	District/Affidavit	FIR NO.	Name of the Accused	Charges (ipc/uapa)	Common Accused (in crime/FIR no.)	Conviction	Acquittal	Absconding	Pending Investigation
1.	New Delhi	RC-14/2022/NIA/DLI	Ovungal Mohammed Abdul Salam @ O. M. A. Salam (A-1),	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
2.	New Delhi	RC-14/2022/NIA/DLI	E. M. Abdul Rahiman (A-2)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
3.	New Delhi	RC-14/2022/NIA/DLI	Anis Ahmed (A-3)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
4.	New Delhi	RC-14/2022/NIA/DLI	Afsar Pasha (A-4)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
5.	New Delhi	RC-14/2022/NIA/DLI	V. P. Nazarudheen @ Nazarudheen Elamaram (A-5)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
6.	New Delhi	RC-14/2022/NIA/DLI	E. Abubacker (A-6)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		Pending for charge framing before NIA Court New, Delhi			
7.	New Delhi	RC-14/2022/NIA/DLI	Prof. P. Koya @ Kaleem Koya (A-7)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act.		Pending for charge framing before NIA Court New, Delhi			
8.	New Delhi	RC-14/2022/NIA/DLI	M. Mohammed Alijinnah (A-8)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act.		Pending for charge framing before NIA Court New, Delhi.			
9.	New Delhi	RC-14/2022/NIA/DLI	Abdul Wahid Sait (A-9)	Sections 120B, 121A, 122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act.		Pending for charge framing before NIA Court New, Delhi.			
10.	New Delhi	RC-	A. S. Ismail (A-	Sections 120B, 121A,		Pending for charge framing before			

		14/2022/NIA/DLI	10)	122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act.		NIA Court New, Delhi.			
11.	New Delhi	RC-14/2022/NIA/DLI	Mohammed Yousuf (A-11)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act.		Pending for charge framing before NIA Court New, Delhi.			
12.	New Delhi	RC-14/2022/NIA/DLI	Mohammed Basheer (A-15)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act.		Pending for charge framing before NIA Court New, Delhi			
13.	New Delhi	RC-14/2022/NIA/DLI	Shafeer K.P (A-16)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge framing before NIA Court New, Delhi			
14.	New Delhi	RC-14/2022/NIA/DLI	Jaseer K.P (A-17)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge Framing before NIA Court New, Delhi			
15.	New Delhi	RC-14/2022/NIA/DLI	Shahid Nasir (A-19)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge framing before NIA Court New, Delhi			
16.	New Delhi	RC-14/2022/NIA/DLI	Waseem Ahmad (A-21)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge Framing before NIA Court New, Delhi			
17.	New Delhi	RC-14/2022/NIA/DLI	Mohammed Shakif (A-22)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge framing before NIA Court New, Delhi			
18.	New Delhi	RC-14/2022/NIA/DLI	Mohammed Farooq Rehaman (A-23)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge framing before NIA Court New, Delhi			
19.	New Delhi	RC-14/2022/NIA/DLI	Yasir Arafat Hasan (A-24)	Sections 120B, 121A, 122,153A IPC and sections 13,17, 18, 18A, 18B, 22C ofUA(P)Act		Pending for charge framing before NIA Court New, Delhi			
20.	New Delhi	RC-	Popular Front of India	Sections 120B, 121A,		Pending for charge framing before			

			(PFI) represented by its chairman	122, 153A IPC and sections 13, 17, 18, 18A, 18B, 22C of UA(P) Act		NIA Court New, Delhi			
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J. NIA, Patna

<u>Sr.no</u>	<u>District/Affidavit</u>	<u>FIR no.</u>	<u>Name of the Accused</u>	<u>Charges (IPC/UAPA)</u>	<u>Common Accused (in Crime/FIR no.)</u>	<u>Conviction</u>	<u>Acquittal</u>	<u>Absconding</u>	<u>Pending Investigation</u>
1	NIA New Delhi	RC31/2022/NIA/DLI	Athar Parvej (A-1)	Sections 121, 121A, 122, 153A & 153B of IPC, Sections 13, 17, 18, 18A, 18B & 20 of UA(P) Act	Not common in other NIA case	-	-	Arrested on 12.07.2022	Chargesheet filed against him on 07.01.2023. Case is at the stage of framing of charges.
			Anwar Rashid (A-37)	Sections 120B, 121, 121A, 122, 153A, 153B of IPC, Sections 10, 13, 17, 18, 20, 38 & 39 of UA(P) Act		-	-	Arrested on 02.05.2023	Suppl. Chargesheet filed against him on 27.10.2023. Case is at the stage of framing of charges.

K. State of Tamil Nadu

<u>Sr.No.</u>	<u>District/ Affidavit</u>	<u>FIR No.</u>	<u>Name of the Accused</u>	<u>Charges (IPC/ UAPA)</u>	<u>Common Accused R/ (in Crime (no</u>	<u>Conviction</u>	<u>Acquittal</u>	<u>Absconding</u>	<u>Pending Investigation</u>
1.	Coimbatore	B3 Kattur PS 722/1999 Accused were responsible for the appearance of seditious article with the captions 'Kosovo's Lesson to India Muslims' and 'Kashmir India's Kosovo' in the May and June 1999 issues of SIMI's Organ "News Letter"	Shameemul Islam s/o Shahul, No.1, Kochiyar street Kayalpattinam, Thoothukudi Now at district Angappa, D.No.81 Naicker Street, Chennai-1. Arrested on 01.05.2001. Syed Abdur Rahman Umari s/o K.S.Ahamed, No.14, Kallandiar Street, Royapuram Now at Tiruppur Angappa, D.No.81 Naicker Street Chennai-1. Syed S/o Mohammed, Abdul Khader, Nellikuppam Cuddalore district. Now at D.No.81 Angappa Naicker Chennai-1, Street Kadar Babha s/o Abdul Hameed 1 st Main, No.23, Road Mahakavi Bharathi Nagar	153 (A) and 124 (A) and 153(B) IPC	Nil	the On 5.1.2004, FTC-II Court Coimbatore convicting the accused viz 1)) Shameemul Islam 2) Syed) m Abdur Rahman Umari 3) Syed Mohammed 4) Kadar Babha 5) Shajahan to undergo 3 years RI for 124 (A) 2 years RI (A) for 153 (A) IPC and 2 years for 153 (B) IPC which would run concurrently with a fine of for -/Rs.1,000 each count failing which they should undergo 3 months RI for each count. The Court also convicted the Juvenile accused Abu @ Abuthagir and referred the case	On 18.2.2004 the Juvenile Justice Board released Abu @ Abuthagir on probation of good conduct for a period of three years and placed him under the supervision of Probation Officer u/s 15 (3) Juvenile Justice Act. The board also ordered to put him under the care of his parents u/s 15 (1)(e) of the Act executing bonds	Nil	No appeal has been filed against the order of the High Court

		<p>118. S/o ,Shajahan .5 E.K.Musthafa, Mariamman , 89 Thippu ,Koil Street ,Nagar ,Karumbukadai Coimbatore.</p> <p>Abu @ .6 ,Abuthagir S/o ,(Juvenile) ,Mohammed Ismail Mariamman Koil Thippu ,Street ,Nagar ,Karumbukadai Coimbatore.</p> <p>Moideen .S.H.M .7 ,S/o.Hussain ,((32 ,233 AngappaNaicken ,Mannadi ,Street Chennai (Arrested - on 14.07.1999 died on 29.08.2001 at Metha Nursing ,Setpet ,Home Chennai due to illness while on bail)</p>		<p>to Juvenile Justice Board ,(JM-IV Coimbatore for further course of judgement.</p> <p>A1 Shameemul Islam & four others and Abu @ Abuthagir (Juvenile) preferred appeals before ,High Court Madras vide .C.A.Nos 231/2004 and 769/2004 respectively.</p> <p>On the ,8.3.2011 court allowed the petitions by set aside the convictions & sentences. The court also remanded the cases to the trial courts for disposal.</p> <p>,Accordingly the trial was again conducted ,at FTC-II Court Coimbatore.</p> <p>,On 29.2.2012 ,the FTC-II Coimbatore pronounced judgement convicting the accused A1 to A5to undergo 3 years RI for 124 (A) IPC and 3 years RI for 153 which ,(B) IPC would run ,concurrently with a fine of for -/Rs.5,000 each count. On ,the same day the court directed A6 Abu @ Abuthagir to appear before the Juvenile Justice Board on 7.3.12 for further course of judgement.</p> <p>As the accused paid ,A1 to A5 the fine amount and had already served the ,sentence period they were released</p> <p><u>Appeal:</u></p> <p>Shameemul Syed ,Islam Abdur Rahman (CA No.306/2012) and 3 others filed a Criminal Appeal (CA No.392/2012) before the</p>	<p>worth -/Rs.5,000 each).)</p> <p>On ,16.5.2012 Juvenile Justice Board (JM-IV ,Court Coimbatore e acquitted A6 Abu @ Abuthagir.</p>	
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					<p>Hon'ble High Court of Madras.</p> <p>Judgement:</p> <p>The Hon'ble Justice P.N. Prakash pronounced the judgement in CA Nos.306 & 392 of 2012 on as ,19.12.2019 follows</p> <p>The (a) conviction and sentence imposed by the trial Court on A.1 to A.5 for the charge under Section 124-A IPC are set aside and they will stand acquitted of the said offence.</p> <p>The (b) conviction and sentence imposed by the trial Court on Syed Mohammed Khadar ,((A.3 Bhaba (A.4) and Shah Jahan (A.5) for the charge under Section 153-B IPC are set aside and ,as a sequitur they will stand acquitted of this offence too.</p> <p>The (c) conviction and sentence imposed by the trial Court on Samimul Islam (A.1) and Syed Abdur Rahman (A.2) for the charge under Section 153-B IPC will stand confirmed.</p> <p>,In the result The trial Court is directed to secure the presence of Samimul Islam (A.1) and Syed Abdur Rahman (A.2) and commit them to prison to serve out the remaining period of if any. ,sentence</p> <p>Since their remand period they ,set off were released</p>			
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L. Enforcement Directorate, Raipur

<u>Sr. no</u>	<u>District/Affidavit</u>	<u>FIR no.</u>	<u>Name of the Accused</u>	<u>Charge s (IPC/UAPA)</u>	<u>Common Accused (in Crime/FIR no.)</u>	<u>Conviction</u>	<u>Acquittal</u>	<u>Absconding</u>	<u>Pending Investigation</u>
1.	Enforcement Directorate Raipur	ECIR/RPSZO/01/2014	Zubair Hussain and Aysha Banu	Section 3r/w section 4 of PMLA, 2002	Chargesheet No. 156/2014 dated 19.06.2014 in FIR No. 567 of 2013 reg. by Khamtarai Police Station Raipur, Chhattisgarh Chargesheet No. 11/2014 dated 03.02.2014 in FIR No. 454 of 2013 reg. by Kavaiya Thana, Lakhisarai, Bihar	Charges have been framed	N.A.	N.A.	N.A.
2.	Khamtarai Police Station Raipur, Chhattisgarh	FIR No. 567 of 2013 reg. By Khamtarai Police Station Raipur, Chhattisgarh	Zubair Hussain and Aysha Banu	Section 3, 13, 17, 40 of UAPA	Chargesheet No. 11/2014 dated 03.02.2014 in FIR No. 454 of 2013 reg. by Kavaiya Thana, Lakhisarai, Bihar	Convicted by order dated 24.11.2021 for offence/s 17, 40(1)(b) & 40(1)(c) of UAPA	N.A.	N.A.	N.A.
3.	Kavaiya Thana, Lakhisarai, Bihar	FIR No. 454 of 2013 reg. by Kavaiya Thana, Lakhisarai, Bihar	Zubair Hussain and Aysha Banu	Section 17, 18, 18(b), 21, 38, 40 of UAPA and section 420, 467, 468, 471 & 120(B) of IPC	Chargesheet No. 156/2014 dated 19.06.2014 in FIR No. 567 of 2013 reg. By Khamtarai Police Station Raipur, Chhattisgarh	Charges have been framed	N.A.	N.A.	N.A.

M. Enforcement Directorate, Delhi

<u>Sr. no</u>	<u>District/Affidavit</u>	<u>FIR no.</u>	<u>Name of the Accused</u>	<u>Charges (IPC/UAPA)</u>	<u>Common Accused (in Crime/FIR no.)</u>	<u>Conviction</u>	<u>Acquittal</u>	<u>Absconding</u>	<u>Pending Investigation</u>
1.	Directorate of Enforcement, STF, Hqrs, New Delhi	ECIR/STF/17/2022	EM Abdul Rahiman	SECTION 3 OF PMLA	FIR No. RC14/2022/NIA/DLI dated 13.04.2022				Arrested and Pre-Trial Stage
2.	Directorate of Enforcement, STF, Hqrs, New Delhi	ECIR/STF/17/2022	P. Koya	SECTION 3 OF PMLA	FIR No. RC-14/2022/NIA/DLI dated 13.04.2022				Arrested and Pre-Trial Stage
3.	Directorate of Enforcement, STF, Hqrs, New Delhi	ECIR/STF/17/2022	E. Abu Backer	SECTION 3 OF PMLA	FIR No. RC-14/2022/NIA/DLI dated 13.04.2022				Arrested and Pre-Trial Stage

N. NIA CHENNAI

<u>Sr. no</u>	<u>District/Affidavit</u>	<u>FIR no.</u>	<u>Name of the Accused</u>	<u>Charges (IPC/UAPA)</u>	<u>Common Accused (in Crime/FIR no.)</u>	<u>Conviction</u>	<u>Acquittal</u>	<u>Absconding</u>	<u>Pending Investigation</u>
1	NIA, Chennai	RC-16/2019/NIA/DLI	Mohamed Ibrahim Jamali (A-4)	120B, 121A & 122 of the Indian Penal Code and Sections 13,					Pending Trial

				17, 18, 18B, 38, 39 of the Unlawful Activities (Prevention) Act, 1967.					
2	NIA, Chennai	RC-06/2020/NIA/DLI	Shihabudeen (A-7)	U/s 120B, 302 r/w 120B, 201 of IPC, Section 25(1) (a) of the Arms Act 1959, besides 16, 18, 20, 38 and 39 of UAP Act 1967					Pending Trial

O. NIA MAHARASTHRA

Sr No	District/ Affidavit	FIR No	Name of the Accused	Charge (IPC/UAPA)	Common Accused (In Crime/FIR No)	Conviction	Acquittal	Absconding	Pending Investigation
1	NIA	29/2023/NIA/DLI	1) Mohammad Rizwan Ashraf @ Maulana S/o Mohammad Najeeb Ashraf (A-1)	Sec 120 B of IPC and Section 18,20,23,38,39 & 40 of UA(P)Act, 1967 Sec 3,4 r/w25 (1-B) of Arms Act 1959.					Arrested on 1/10/2023 after completing investigation Chargesheet is filed before Hon'ble Court on 21.03.2024 Accused lodged in Tihar Jail, No pending investigation
			2) Mohammad Arshad Warsi S/o Waris Khan (A-2)	Section 120B, 201 of IPC and sec 18,19,20,38 & 39 of the UA(P)Act 1967					Arrested on 1/10/2023 Chargesheet is filed on before Hon'ble Court on 21.03.2024 Accused lodged in Tihar Jail, No pending investigation
			3) Shah Nawaz Alam S/o Shafiuzzama Khan (A-3)	Sec 120 B of IPC and Section 18,20,23,38 & 39 of UA(P)Act, 1967 Sec 4 & 5 of Explosive Substance Act 1908	Common in RC-05/2023/NIA/Mum case as Accused A-8				Arrested on 2/10/2023 and Chargesheet is filed before Hon'ble Court on 21.03.2024 Accused lodged in Aurthar Road Jail , No pending investigation
			4) Hasseb Zubair Mulla s/o Zubair Mulla (A-4) (Ex- SIMI Member)	Sec 120 B of IPC and section 13,18,18B,20,38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and Chargesheet is filed before Hon'ble Court on 21.03.2024 Accused lodged in Jail, No pending investigation
			5) Firoz Dastgir Kuwari @ Fauroj Dastgir Kuwari S/o Dastgir Kuwari (A-5) (Ex-SIMI Sympathizer)	Sec 120 B of IPC and section 13,18,18A,20,23,38, 39 & 40 of UA(P) Act. Section 25(1-B) (b) r/w section 4 of Arms Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			6) Kasif Sattar Balere @ Kashif Sattar Balere S/o	Sec 120 B & 387 of IPC and Sec. 13, 18,18A, 18B,20,38,39 & 40					Arrested on 9/12/2023 and charge sheet is filed before

			Sattar Balere (A-6) (Ex- SIMI Member)	of UA(P)Act					Hon'ble Court on 3/6/2024, No pending Investigation
			7) SaifAteequeNachan S/o AteequeNachan (A-7) (Ex-SIMI Member)	Sec 120B of IPC and sec 13,18,20,38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			8) Rafeel Abdul Latif Nachan @Rafil S/o Abdul Latif Nancha (A-8)	Sec 120B of IPC and sec 13,18,18A,20,38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble court on 3/6/2024, No pending Investigation
			9) Musab Haseeb Mulla @ Musab Hasib Mulla s/o Haseeb @ Hasib Mulla (A-9)	Sec 120B of IPC and sec 13,18,18A,18 B, 20,38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			10)RehanAsfaqueSuse @ RehanAsfaqSuse S/o Asfaq @Asfaque Suse (A-10)	Sec 120B of IPC and sec 13,18 , 20,38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			11) Farhan Ansar Suse S/o Ansar Suse (A-11)	Sec 120B & 387 of IPC sec 13,18,20,38,39 & 40 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			12)Razil Abdul Latif Nachan S/o Abdul Latif Nachan (A-12)	Sec 120B of IPC & Sec 13,18,18A,20,38 & 39 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			13) Saquib Abdul Hamid Nachan @ Ravish @Khalid @Saquib Bhai S/o Abdul Hamid Nachan (Ex-SIMI Member and All India General Secretary for SIMI)	Sec 120B, 201 & 387 of IPC and Sec13,18,18A,18 B, 20,38, 39 & 40 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed on 3/6/2024, No pending Investigation
			14)Sahgaf Shafique Divekar S/o SafiqueDivkar (A-14) (Ex-SIMI Member)	Sec 120B of IPC and Sec 13,18,18A,18B,20,38 & 39 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble court on 3/6/2024, No pending Investigation
			15) Munzir Abubakar Kunnathpeediakar @ Munzir Abubakar KunnathPeedikar (A-15)	Sec 120B & 201 of IPC and sec 13,18,20,38 & 39 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation

			16) Yahya Ravish Khot S/o Ravish SabbirKhot (A-16)	Sec 120 B of IPC and Sec 13,18,20, 38 & 39 of UA(P) Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			17) Mukhlis Maqbool Nachan S/o MaqboolNachan (A-17) (Ex-SIMI Sympathizer)	Sec 120 B of IPC and Sec 13,18,20, 23,38 & 39 of UA(P) Act. Sec 25(1-B) (b) r/w section 4 of Arms Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			18) Adil IlyasKhot S/o Ilyas Khot (A-18) (Ex- SIMI Member and All India General Secretary for SIMI)	Sec 120B of IPC and Sec 13,18,20, 23,38 & 39 of UA(P) Act. Sec 25(1-B) (b) r/w section 4 of Arms Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			19) Haris Farooqui S/o Ajamal Farooqui (A-19)	Sec 120 B of IPC and Sec 13,18,18B,19,20,38, 39 & 40 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			20) Anurag Manbir Singh @Rehan @ Riham S/o Manbir Singh (A-20)	Sec 120B of IPC and Sec 13,18,20,38,39 & 40 of UA(P)Act.					Arrested on 9/12/2023 and charge sheet is filed before Hon'ble Court on 3/6/2024, No pending Investigation
			21) Rizwan Ali @ Abu Salma S/o Abdul Hadi (WA-1)		Common in RC 05/2023/NIA/Mumbai case as (WA-2)			Absconding	He is absconding accused investigation in open ,effort is going on to arrest the accused.
			22) Sultan Sikandar (WA-4)					Absconding	He is absconding accused investigation in open, effort is going on to arrest the accused.

SIMILAR NAMES OF ACCUSED FOUND IN DIFFERENT STATES

- 1. Zakir:** State ofMaharashtra&Madhya Pradesh
- 2. Hafiz Hussain:**State of Maharashtra&Madhya Pradesh
- 3. Shihabudeen:** NIA, Bengaluru&NIA Chennai.
- 4. Saquib Abdul Hameed Nachan:** NIA Maharashtra&State of Maharashtra
- 5. E. M. Abdul Rahiman:** NIA, Hyderabad&Enforcement Directorate, Delhi
- 6. P. Koya:** Enforcement Directorate, Delhi&NIA Hyderabad
- 7. E. Abu Backer:** NIA, Hyderabad&Enforcement Directorate, Delhi
- 8. Musab Haseeb Mulla:** State of Maharashtra&NIA Maharashtra
- 9. SaifAteequeNachan:** State of Maharashtra& NIAMaharashtra
- 10. Kasif Sattar Balere:** State of Maharashtra& NIA Maharashtra ”.